



Annual Conference 2023

Business Paper

12-14 November 2023

Rosehill Gardens Racecourse



**ONE VOICE
FOR COUNCILS**



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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 Nathan Hagarty	Liverpool City Council
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Board Members

Cr Cameron Walters	Wollongong City Council
Cr Carmelo Pesce	Sutherland Shire Council
Cr Clare Raffan	City of Canterbury Bankstown
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 AM	Blacktown City Council
Cr Karen McKeown OAM	Penrith City Council
Cr Nuatali Nelmes	City of Newcastle
Cr Penny Pedersen	City of Ryde
Cr Philipa Veitch	Randwick City Council
Cr Phyllis Miller OAM	Forbes Shire Council
Cr Romola Hollywood	Blue Mountains City Council

Chief Executive

David Reynolds (from 11 September 2023)
Scott Phillips (to 21 July 2023)

This page is correct at the time of publication.

Conference Program Overview

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

Sunday 12 November to Tuesday 14 November 2023

Grand Pavilion, Rosehill Gardens, Rosehill Racecourse, James Ruse Drive, Rosehill NSW 2142.

Sunday 12 November

- 3.00pm-3.25pm Official Welcomes and Welcome to Country
- 3.25pm-5.05pm AR Bluett Memorial Awards presentation
Address: **Minister Kristy McBain MP**
The Housing Crisis, Let's Collaborate on Solutions Forum. Panel members include:
Minister Rose Jackson MLC, Scott Farlow MLC and Professor Peter Phibbs, USyd
- 5.15pm-7.15pm President's Welcome Reception sponsored by Landcom

Monday 13 November

- 8.00am-9.00am Voting for LGNSW Board President, Vice-Presidents, Treasurer and Directors
- 9.00am-9.10am Conference introduction and welcome by **David Reynolds**, Chief Executive, LGNSW
- 9.10am-9.25am Opening address by **Cr Darriea Turley AM**, President, LGNSW
- 9.25am-9.35am Address from **Ron Hoenig MP**, Minister for Local Government
- 9.35am-9.45am Voting on Motions procedure by **David Reynolds**, Chief Executive LGNSW
- 9.45am-5.30pm Opening of the Federal & State Conferences, adoption of standing orders, business sessions and consideration of motions and conference business.
- 11.00am-11.30am Voting for LGNSW Board President, Vice-Presidents, Treasurer and Directors
- 1.00pm-2.00pm Voting for LGNSW Board President, Vice-Presidents, Treasurer and Directors
- 3.30pm-4.00pm Voting for LGNSW Board President, Vice-Presidents, Treasurer and Directors
- 4.30pm-4.40pm Presentation from **Cr Linda Scott**, President ALGA
- 6.30pm-10.30pm **Conference Dinner**. President LGNSW **Cr Darriea Turley AM**, and Elite Partner, Statewide Mutual present LGNSW Service Awards to elected members

Tuesday 14 November

- 7.30am-8.45am **Australian Local Government Women's Association (ALGWA NSW) Breakfast**.
Guest speaker: **Julie Inman Grant**, Federal eSafety Commissioner
- 9.00am-10.05am **Financial Sustainability for Councils**. Panel members include **Dr Amanda Cohn MLC; David Mehan MP; Carmel Donnelly PSM; and Peter Tegart**
- 10.05am-10.15am Keynote Address: **Mark Speakman MP**
- 10.55am-11.30am Keynote Address: Towards 2035: securing our future workforce, **Mark McCrindle**
- 11.35am-12.05pm Panel: Sourcing our Future Workforce from under-employed markets
Work+Stay; FutureWomen, Disability Council NSW and Mark McCrindle
- 12.05pm-12.45pm Towards a sustainable road funding model for Local Government, **Marion Terrill**
- 1.45pm-2.15pm Presentation: **Sally Pfeiffer**, Department of Home Affairs
- 2.15pm-2.45pm Presentation: **The Hon. Helen Murrell SC**, NSW ICAC
- 2.45pm-3.00pm Final remarks, Conference close **Cr Darriea Turley AM**, President LGNSW

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 2023 Annual Conference, the total number of Delegates on the date that the roll of voters closed [midnight (AEST) on Tuesday, 12 September 2023] was 496. Therefore, the quorum shall be **249**.

[496/2] + 1, rounded up to the nearest whole number = 249].

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
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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.

[Procedural Note: Presentation of Financial Reports to Members]

State Conference

Standing Orders – State

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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.

[Procedural Note: Presentation of Financial Reports to Members]

2 LGNSW Board

Fundamental Principles

That the 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 LGNSW 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](#). 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 across 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 re-endorsement by members.

Financial sustainability

3 Strathfield Council **Impact of cost shifting by state government on local government finances**

That Local Government NSW lobbies the State Government to address the negative impacts of its cost shifting activities on local government finances through the following actions:

1. Engaging in direct communication with Local Government officials and bodies to discuss concerns about the consequences of cost shifting on local communities.
2. Engage in constructive dialogue with local councils to explore sustainable solutions that ensure adequate funding is available to support Local Government services and programs that are State mandated.
3. Commit to fully funding the programs and services that State Government mandates Local Councils to administer. This involves providing sufficient financial and technical resources to cover the costs associated with these responsibilities.
4. Implementing a requirement for State Governments to conduct a comprehensive fiscal impact assessment before transferring any new responsibilities, implementing statutory fees and charges, or increasing statutory payment burden (such as the ESL) on Local Councils. This review should include a thorough cost analysis to ensure that Local Councils receive the necessary funding or are able to raise the appropriate revenue to cover the expenses related to these statutory responsibilities. Transparency in these cost calculations and funding allocation is crucial.
5. Establish transparent mechanisms for revenue sharing between State and Local Governments. This should involve allocating a certain percentage of State revenue (separate from and in addition to capital grants) to Local Councils to help cover the costs of transferred responsibilities.
6. Create an independent body or utilise existing bodies such as IPART for reviewing potential unfunded mandates (responsibilities without adequate funding) before they are imposed on Local Councils. This body can assess the financial impact and recommend appropriate funding levels.
7. Involve Local Councils in the decision-making process when considering changes in responsibilities or funding allocations. Collaboration ensures that the needs and challenges of local communities are taken into account.

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

Note from Council

Local Councils play a critical role in providing essential services and maintaining infrastructure that directly impacts the quality of lives of their communities. Local Councils are facing increasing financial challenges and constraints which are exacerbated by the practice of cost shifting by the State Government where “cost shifting” refers to the practice of State Government transferring its financial responsibilities for services or programs to Local Councils without providing adequate financial support, thus inhibiting the capacity for Councils to deliver quality services and essential infrastructure to its community.

Waverley Council

Cost-shifting

That Local Government NSW increases its advocacy to oppose any cost-shifting that impacts member councils, including returning 100% of income from the waste levy to all NSW councils and reimbursing councils for the mandatory pensioner rate rebates.

Note from Council

Cost-shifting undermines the financial sustainability of the local government sector by forcing councils to assume responsibility for more infrastructure and services, without sufficient corresponding revenue.

The major types of cost-shifting are generally considered to be:

- The withdrawal or reduction of financial support once a program is established and or transferred to local government.
- The transfer of assets without appropriate funding support.
- The requirement to provide concessions and rebates without adequate compensation payments.
- Increased regulatory and compliance arrangements.
- Failure to provide for indexation of fees and charges for services prescribed under various legislation or regulation.

Cost-shifting clearly impacts on councils' available funds with which it is able to deliver quality services and infrastructure for the community. If councils were not impacted by cost-shifting or to the degree that they currently impacted, this would mean councils could spend additional funds on:

- Additional services to the community.
- Increasing existing service levels to the community.
- New capital/renewal infrastructure works.
- Increased spending on maintenance of council assets.

The majority of cost-shifting impacts on metropolitan councils come from the NSW State Government, with the most significant areas being the waste levy and contribution by councils to Fire and Rescue NSW. Fees and charges levied by the State represent approximately 4.9% of Waverley Council's operating expense and is growing at an accelerated rate.

4 Junee Shire Council

Removal of sect. 119 of the *Rural Fires Act 1997*

That Local Government NSW lobbies to remove s119 (5) of the *Rural Fires Act 1997* referencing the vesting of Rural Fire Services equipment with NSW councils.

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

Note from Council

The fundamental consideration when accounting for an asset is whether the asset is controlled by the entity. Local councils have no control over RFS assets yet are required to recognise them in their statutory accounts. If these assets are recognised the financial statements they will paint an incorrect financial picture of the shire due to overstating its assets. Consequently, Junee Shire like many other rural councils, did not recognise RFS assets in its statutory accounts.

In a petty minded retaliatory measure, the Auditor General instructed that the Audit Opinions relating to 2022 Financial Statements of Councils who did not recognise RFS assets, be qualified, and is likely to do the same in 2023. It is the Auditor General who is wrong in this instance, not the rural councils.

City of Newcastle

NSW Audit Office and ownership of rural fire service assets

That Local Government NSW:

1. Notes the ongoing objections regarding the previous NSW Government's determination on ownership of Rural Fire Service assets;
2. Acknowledges the impact of the Government's position on council finances of this accounting treatment;

3. Calls on the newly elected 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;
4. Calls on the NSW Government to 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 councils; and
5. Continues advocating on behalf to affected councils to get clarification from the State Government about the accounting treatment of RFS assets.

Note from Council

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, even though 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.

A more recent Audit Report has made further impositions on councils 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.

Greater Hume Shire Council

NSW Rural Fire Service asset recognition

That Local Government NSW:

1. Supports the continued position that NSW Rural Fire Service plant and equipment is NOT included in the asset register and financial statements of any Local Government Authority, as these Authorities do not have care, control nor management of the plant and equipment, and
2. Writes to the Minister for Emergency Services requesting an urgent review of the legislation to ensure any ambiguity is resolved and removed.

Note from Council

Greater Hume Council is one of many councils that dispute the argument that local councils control RFS assets.

In 2020/2021, 68 councils did not record rural firefighting equipment in their financial statements.

A number of other councils in the region such as Leeton Shire Council and Murray River Council also vehemently oppose the position taken by the NSW Audit Office, RFS and OLG. Local Government NSW (LGNSW) is also supporting local councils and has written to the NSW Treasurer, relevant Ministers and the NSW Auditor-General to express LGNSW'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.

LGNSW has reaffirmed that local councils and LGNSW strongly refute this determination and encourages councils to continue resisting pressure from the Audit Office and make their own determinations.

5 Cabonne Council Rural fire services – repair and maintenance of fleet

That Local Government NSW lobbies the NSW Government to provide funding for the Rural Fire Service annual repairs and maintenance budget for firefighting fleet, including annual indexation based on the Consumer Price Index.

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

Note from Council

The RFS have been advised by the government that their annual maintenance and repair grant (M&R) will not be increased.

RFS Zone Managers are reporting an increase in the expenditure over and above the allocated grant, leading to a modification of a number of processes in order to minimise the use of the M&R grant funds on items that can potentially be funded through the other means.

The rising costs of goods and services is providing a real challenge to manage this budget that has little scope of increase at least in line with the CPI. With the outlook for the coming fire season suggesting dryer than average and warmer and average conditions the expectation is for an elevated fire risk across Western NSW this summer. Maintenance and repairs of the fleet is vital to ensure the protection of properties and safety of the volunteers who put themselves at risk to protect families, homes, and the environment.

Lithgow City Council NSW government to fully fund RFS maintenance and repair costs

That Local Government NSW calls upon the NSW Government to fully fund RFS maintenance and repair costs. Between \$300 and \$400K is received each year to maintain both fleet and buildings with insufficient consideration of what is actually required and small increases year-on-year. For example, with RFS buildings, it is recognised that Council's asset management responsibilities cannot be sustainably met without some process of inspection, condition reporting and responsive funding allocation. In the past, the funding shortfall has led to Council subsidising the cost of operations to deliver necessary building works. However, going forward, Council does not have the capacity to absorb these unplanned costs.

A solution is required which honours the value of local volunteer firefighters, responds to the unique operational needs of this function, and assigns adequate and responsive funding without cost-shifting onto local government

Note from Council

Maintenance and repair costs for the Rural Fire Service (RFS) should be fully funded by NSW Government. Despite receiving \$300-400K yearly for maintaining the RFS fleet and buildings, there is inadequate consideration of what is actually required. Council recognises the importance of inspecting and reporting on RFS buildings to meet asset management responsibilities however going forward, it cannot absorb these unplanned costs. Council proposes a solution that values local volunteer firefighters, responds to the unique operational needs of the RFS, and allocates adequate and responsive funding without burdening local governments.

That Local Government NSW requires the NSW Government to fully fund the Maintenance and Repair expenditure on trucks and other equipment for all Zones and Districts of the NSW Rural Fire Service through the current grant process and not see Councils have to pick up any shortfalls.

Note from Council

Currently each Zone or District of the NSW Rural Fire Service receives a fixed amount of annual grant funding to maintain and repair the red fleet, which are vested to Councils under legislation. This funding is directly expended by the NSW RFS, with Councils having no direct control over its use. It is used for fuel to operate this fleet, roadworthy inspections of the fleet, as well as replacement tyres, brakes, windscreen and other repairs required on the trucks and support equipment.

The level of grant funding has risen at a much rate lower than what actual costs are rising, seeing any overruns in expenditure passed on fully to Councils rather than in the current costs sharing arrangements of Local Government share of 11.7%, NSW Government 14.6% and Insurance Industry 73.7%. The NSW Government states this is a fixed grant and any overrun should therefore be covered by the associated local Councils, even though Councils have no say on where this expenditure is spent. This is seen as the latest cost shifting from the NSW Government to Local Councils.

6 Cabonne Council**Stronger Country Communities Fund**

That Local Government NSW lobbies the NSW Government to:

1. Recognise the positive impact the Stronger Country Communities Fund has had on rural and regional communities across NSW by providing new and upgraded community infrastructure and programs.
2. Prioritise continued commitment of at least \$160 million, each year, towards the Stronger Country Communities.

Note from Council

Regional councils have embraced and relied on grant programs such as the Stronger Country Communities Fund to provide new or upgraded social and sporting infrastructure and deliver community projects aligned to their Community Strategic Plans.

Many of the projects delivered under this program assist the community both socially and economically by providing modern, safe and accessible sporting and community infrastructure which in turn increases membership, participation and visitation to the area.

The current State Government has been non-committal to continuing this grant program leaving many proposed community infrastructure projects in limbo, potentially impacting on regional growth and development.

7 Cabonne Council**Resources for Regions**

That Local Government NSW:

1. Recognises that the Resources for Regions program supports the ongoing prosperity of mining communities by funding infrastructure.
2. Calls on the NSW Government to commit to funding future rounds of Resources for Regions.

Note from Council

The Resources for Regions support the ongoing prosperity of communities across NSW impacted by mining.

Projects delivered under this program have improved economic opportunities, local amenity and created positive social outcomes. The current State Government has been non-committal to continuing this grant program leaving many proposed community infrastructure projects in limbo, potentially impacting on regional growth and development.

8 Lake Macquarie City Council

Certainty and visibility of FA Grants

That Local Government NSW advocates to the Federal Government to address the scheduling of the payment of Financial Assistance Grants and maintain that schedule.

Note from Council

The Federal Government supports Local Government nationally through the provision of Financial Assistance Grants (FAG). These grants are paid annually and form a significant and welcome component of local government recurrent revenue. The grants are untied and as they are treated as operational revenue, sustain the financial health of councils year on year.

Commencing in 2016/2017, the Federal Government has progressively brought forward the payment of the FAG to the point that the grant for financial year 2023/2024, was wholly paid in financial year 2022/2023. While bringing forward FAG payments has represented a windfall for councils across the country, and improved end-of-year financial results, it creates uncertainty and a concerning prospect for the future. Specifically, should the Federal Government return to paying the FAG during the year it falls due, it will instantly create a financial shock to all councils. It would be preferable, from the perspective of prudent financial planning, for the Federal Government to determine a payment schedule, and maintain that schedule so councils have visibility and certainty in financial planning.

9 Tweed Shire Council

Local government grants agency

That Local Government NSW writes to the NSW Premier and the NSW Minister for Local Government requesting the establishment of a NSW Local Government Grants Agency to coordinate all the state and federal grants programs through one central agency. This would provide a single point of contact for councils and establish consistent grant application, reporting and acquittal arrangements.

Note from Council

In the 2022/23 financial year Tweed Shire Council interacted, reported and acquitted \$65,479,143 in grant funds across 43 different agencies (Federal, State, quasi Govt, NGO, Private) covering 230 grant programs. The costs to Councils in coordinating such efforts diminishes the resources available to undertake the grant program of works. The central agency could provide:

1. Funding for feasibility studies to get projects "shovel ready" (concept design, development approval, detailed design etc) for grant requirements.
2. A consistent online grants portal for:
 - a. Grant guidelines / criteria
 - b. Deed
 - c. Applications
 - d. Amendments
 - e. Reporting
 - f. Acquittals
3. Better remittance reporting to Councils.

10 Upper Lachlan Shire Council

One off funding for distressed projects

That Local Government NSW advocates on behalf Local Government to the Federal Government and NSW Government to create a one off rescue grant funding round for councils who have unfinished critical community infrastructure projects due to the collapse of building construction companies.

Note from Council

Due to the current building crisis, many construction companies have entered voluntary administration, leaving councils who have begun construction unable to deliver these grant funded projects due to associated cost escalations.

The ongoing price escalations of materials, goods, services and labour costs are all well above CPI increases in the post Covid world, many councils are unable to fund such shortfalls from internal revenue sources. Communities are set to miss out on critically needed infrastructure like swimming pools, libraries and sporting amenities.

These councils now find themselves precluded from new grant opportunities due to grant guidelines specifying that projects must not have begun construction.

Upper Lachlan Shire Council is one of the 59 Local and State Government Departments affected by the Voluntary Administration of construction company Lloyd Group.

As a Council experiencing a project in distress with construction in its infancy, we find ourselves precluded from new grant opportunities. Upper Lachlan Shire Council has a small rate base and we find ourselves unable to cover cost escalations to complete this important community infrastructure project.

11 Walcha Council

Impose a rate category on unrateable land

That Local Government NSW lobbies the State Government to impose a Rate Category on National Parks and Forestry Corporation land.

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

Note from Council

With the expansion of both Forestry and National Parks in many rural LGAs the cost impact on Councils to maintain roads and associated infrastructure that are often heavily utilised by traffic accessing and carrying on business associated with them has a negative impact on Councils budgets.

Within the Walcha Council LGA 200,000 tonnes of timber is transported over our roads annually which is predicted to rise to over 320,000 tonne in the next decade. This translates to 5,500 truck movements annually and rises to 10,000 in the next decade. With an estimated round trip of 120kms per load the maintenance of these roads also vital links for ratepayers is becoming more challenging.

National Parks and forestry currently are custodians of approximately 40% of Walcha LGA, and while some of the area was once crown land a considerable rateable area has been lost as farmland is now converted to unrateable land.

The combination of the deficit in rates and road maintenance needs to be addressed.

Currently our ratepayers are subsidising commercial enterprises. A new rating category needs to be established that suitably reflects the impacted costs to Councils.

In an era of increasing costs to Local Government under a capped income system, and an inability of many Councils to have own source revenue we should have the ability to raise income to compensate for costs incurred from our natural resources.

Bega Valley Shire Council

Rating of 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. 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. In the Bega Valley Shire, 78% of the land is non-rateable, contributing to our financial sustainability issues.

12 Lane Cove Council

Build to rent developments - council rating implications

That Local Government NSW calls on the NSW State Government to urgently review the applicability of current rating legislation as it relates to 'Build to Rent' developments in NSW, with a view to ensuring Council rates can be levied on those developments in the same way Council rates are levied on residential apartment developments that have a registered strata plan.

Note from Council

Build-to-rent housing is large-scale, purpose-built rental housing that is held in single ownership, rather than being sold individually via strata subdivision. Build-to-rent housing can provide more rental housing choice and for the life of the structure.

The changes to build-to-rent housing in the State Environmental Planning Policy (Housing) 2021 complements changes to the taxation settings for this development type that were introduced in July 2020. The NSW Government recently announced it will cut land tax for build-to-rent housing projects by 50 per cent until 2040, making it particularly attractive for developers.

Residential multi-unit developments typically are strata titled and the strata plan is used by councils for rating purposes. Each individual unit within the strata plan is rated separately, resulting in the council receiving 'minimum rates' for each strata unit.

Under the 'Build to Rent' model, despite having potentially the same number of building occupants in the units, Council rates are not equivalent, as the sole ownership property is rated on the land value, not the individual strata lots. Councils are likely to receive development proposals that involve hundreds of new 'Build to Rent' apartments in the coming years. Unless there is a fairer rating system that applies to these types of developments, hundreds of thousands of dollars in legitimate council rates will be foregone, to the detriment of the community. This presents an inequity for existing ratepayers, who will effectively be

cross subsidising these developments and will almost certainly present an unsustainable financial position for councils to service the greater population.

13 Blacktown City Council **Including developer contributions in local government loan serviceability**

That Local Government NSW calls on the NSW Government to amend the guidelines for NSW Treasury to include developer contributions in local government loan serviceability, and amend “fit for the future” KPIs accordingly.

Note from Council

The Office of Local Government guidelines for the NSW Treasury relating to determining serviceability for loans do not consider Section 7.11 developer contributions.

For councils with significant population growth through greenfield development, the infrastructure investment required is significant, with the developer contribution often being received long after infrastructure is required.

Enabling growth councils to borrow against future revenues from Section 7.11 contributions will provide a clear funding path and to maximise the value of those contributions.

It is noted that IPART, when considering what costs can be claimed within a contributions plan, allows for borrowing costs. It is appropriate that the NSW Government review these provisions and consult councils in relation to sensible funding of Section 7.11 infrastructure growth.

14 Albury City Council **Statutory fees and charges amendments completed by April each year**

That Local Government NSW seeks the State Government to provide amendments to all Statutory Fees and Charges in April each year, allowing those amendments to be included in the advertised draft Operational Plans and Delivery Programs, including the Fees and Charges Schedule, of Councils

Note from Council

In June 2023, Councils were officially advised of amendments to a number of statutory fees and charges relating to development and animal control. At the time of notification to Council, the draft Operational Plan and Delivery Program, including proposed changes to fees and charges, had already been publicly advertised for 28 days in accordance with legislation, with public submissions also received for consideration.

Legislation states that any changes to Fees and Charges are required to be notified to the public under Section 610F of the *Local Government Act 1993* which states, inter alia, that:

If, after the date on which the operational plan commences:

- a. a new service is provided, or the nature or extent of an existing service is changed, or
- b. the regulations in accordance with which the fee is determined are amended, the council must give public notice (in accordance with section 705) for at least 28 days of the fee proposed for the new or changed service or the fee determined in accordance with the amended regulations.

As a result of the late notification of amendments to the Statutory Fees and Charges relating to development and animal control, Council was required to undertake a second period of public exhibition to be able to levy the amended fees and charges in the 2023/24 financial period. Additional resourcing costs were incurred by Council as a result of the late notification, along with lost revenue due to the inability to levy the increased fees and charges until the expiry of the period of public exhibition.

Elections

15 Albury City Council **Requirement for candidate/councillor address on electoral material**

That Local Government NSW calls on the NSW Electoral Commission (NSWEC) to review the requirements for candidates standing for election to include their personal address on electoral material as their only valid contact option, in an endeavour to assist with ensuring the safety of candidates and ultimately Councillors.

Note from Council

It has been confirmed by the NSW Electoral Commission that an address of a person means an address, including a full street address and suburb or locality, that is located in Australia at which the person can usually be contacted during the day, but does not include a post office box.

A candidate could use their work address to meet this criteria however, should a candidate not be in employment, this is not an option leaving their personal address as the only means to meet this criteria. Given the increase in violence towards public officials, the requirement for candidates standing for election to Council to include their home address on electoral material poses a risk to their personal safety and also for those ultimately elected and was raised recently in a LGNSW webinar regarding safety in Council meetings.

The provision of contact details is appropriate and important, however the requirement to disclose a home address does cause concern for the safety of the candidate and their immediate family considering recent cases of threats against Councillors and public officials by a range of groups/individuals.

16 Camden Council **Extension to current term of councillors**

That Local Government NSW advocates that the NSW Government legislate to extend the current term of NSW councillors to a four-year term by deferring the NSW local government elections to September 2025.

Note from Council

The current term of Councillors has been shortened to less than three years due to the previous delays in holding the local government elections, which were originally scheduled for September 2020 but ultimately took place in December 2021 due to the COVID-19 pandemic. Deferring the elections to September 2025 would provide councillors with greater opportunity to appropriately fulfil the statutory roles of both the governing body and as individual councillors for the current term.

Consideration could subsequently be given to amending section 287(1) of the Local Government Act 1993 to provide for elections to be held every four years from 2025 onwards.

This would also result in the deferral of election costs for councils by one year on an ongoing basis, which would be beneficial for the cash flow and forward planning of councils.

17 City of Canterbury-Bankstown Council

Election countback

That Local Government NSW calls on the NSW Government to eliminate the 18-month time limit on replacing a councillor casual vacancy by election countback.

Note from Council

Provisions in the *Local Government Act 1993*(NSW) and *Local Government (General) Regulation 2021* (NSW) have now allowed for countback (ballot papers) elections to elect a councillor to fill a single casual vacancy arising after ordinary elections, but under certain conditions. While the count-back provision (available in the Act in 2014, but only implemented in the Regulation in 2021), is welcome, given it is in line with the proportional voting system and more cost effective for councils than a by-election, the application of the reform is still limited.

Since 2021, over 75% of local councils in NSW passed a resolution to use countback elections following the December 2021 elections. While this is positive, the countback provision only applies to vacancies created in the first 18 months of a term, and only if the council resolves to undertake this action at its first ordinary meeting after that ordinary election. This is both a restrictive and unnecessary provision that should be removed from legislation.

Countbacks of ballots used at the previous election are more cost effective for councils when compared to by-elections, have no impact on voters, and do not require the conduct of election campaigns. When compared to the cost of a by-election, countbacks are less resource intensive; they will free up funds for councils to dedicate to much needed services or other initiatives for their communities.

18 City of Newcastle

Determination of number of councillors

That Local Government NSW:

1. Acknowledges the many well documented financial and legislative impediments currently facing the local government sector across NSW.
2. Notes that the process of a constitutional referendum for determining the number of councillors to be elected during a term of office in a local government area is outdated and unfairly places a considerable financial impost on councils. Central Coast Council incurred a cost of \$1.775 million to hold its 2021 referendum.
3. Notes the urgent need for genuine reform of the administration and financial modelling of local government following decades of state government cost-shifting, under resourcing, rate-capping, asset and services transfers, forced amalgamations, transfer of decision-making powers from elected councillors to the administration, and removal of planning powers, to name a few significant issues.
4. Notes that the Act is now 30 years old, and in need of review. Calls on the State Government to provide genuine reform of local government through full collaborative review of the *Local Government Act 1993*, in consultation with LGNSW, the USU and the local government sector, including progressive reforms such as the QLD local government model.
5. Acknowledges the instrumental role played by metropolitan, regional, and rural councils in servicing our communities, whether it be strategic or land-use planning, managing community assets, open spaces, our state's local and regional road network, implementing environmental initiatives, looking after our libraries or processing our

waste. The needs of each community are different and not currently reflected in the Act, in terms of both governance and funding.

6. Supports changes to the Act that redress the imbalance created in 1993 by restoring functions to elected officials in metropolitan, regional, and rural contexts.

Note from Council

Nil supplied.

19 Forbes Shire Council Disqualification of real estate agents from holding civic office

That Local Government NSW does not support a position disqualifying real estate agents from holding civic office.

Note from Council

Council notes that councillors across the state are drawn from many professions and many of those professions have the ability to pose a conflict of interest. However, Council rejects the notion that the specific profession of real estate agents should be singled out as a cohort that should be disqualified from holding civic office in local government.

In many communities around the state and the country - rural, regional or otherwise - real estate agents are part of an important cohort of business professionals invested in the progress of their towns and communities. To deny councils access to this valuable resource pool is unjust to both the real estate agent wanting to undertake civic duty but also to communities that would benefit from their service as community leaders.

Any conflicts of interest can be managed under the existing mechanisms.

20 Lachlan Shire Council Removal of compulsory voting for NSW local government by-elections

That Local Government NSW lobbies the NSW Government to remove the requirement for compulsory voting in NSW local government by-elections due to poor voter turnout at recent by-elections, the relatively small penalty for not voting and the administrative burden and cost of issuing infringement notices.

Note from Council

During the recent Lachlan Shire Council D Ward by-election only 62% of eligible voters voted in the election. This was despite an extensive media campaign that included notices being delivered to every household in the ward, several advertisements being placed in local newspapers and regular social media posts appearing in Council's social media pages, in the lead up to the election.

With just over 900 registered voters in D ward, and given the extent and cost of the publicity undertake to inform voters, the 62% voter participation in the by-election was very disappointing.

The cost to identify and distribute penalty notices to approximately 340 residents who did not vote is significant and will not necessarily result in that cost being recovered. This is because many voters in rural and regional areas have "a sufficient reason not to vote" as they reside a considerable distance from their nearest polling place.

For this reason Council suggests that voting in NSW local government by-elections should not be compulsory and clause 312 should be amended to reflect that change.

21 Lismore City Council **Group voting squares at local government elections**

That Local Government NSW lobbies the NSW Government to remove group voting squares at local government elections.

Note from Council

To ensure better community driven local representation in local government by levelling the playing field for candidates who are not affiliated with any party and who cannot form a group which is eligible for a group voting square, and to make the vote counting process less complicated and better understood by voters.

22 Northern Beaches Council **Disqualification from office if elected to state or federal parliament**

That Local Government NSW advocates that section 275 of the *Local Government Act 1993* be amended so that a councillor from the 2024 Local Government Election, immediately upon election to State or Federal Parliament, is immediately disqualified from holding the office of Councillor and/or Mayor.

Note from Council

Section 275(5)(b) of the *Local Government Act* provides that:

"a councillor or mayor who becomes a member of the Parliament of NSW is not disqualified from holding civic office because of subsection (1)(a1) for the balance of the person's term of office as a councillor or for that period of 2 years (whichever is the shorter period)".

This motion proposes to advocate to the NSW Government to amend this.

Governance

23 Bega Valley Shire Council **Councillor misconduct review**

That Local Government NSW calls on the NSW Government through the Office of Local Government to review and deliver the Councillor Conduct Framework - Implementation Roadmap 2023.

Note from LGNSW

Motion **23** seeks implementation of the Councillor Conduct Framework (Kellar Report) Roadmap 2023. This motion is inconsistent with the policy intent of motion **24** below, which proposes an alternative model for reform of the code of conduct complaint system.

If motion **23** is resolved in the affirmative, then motion **24** will be considered lost.

If motion **23** is lost, then motion **24** will be debated.

Note from Council

The previous NSW Government instigated an independent review of the framework for dealing with councillor misconduct in NSW. [The report compiled by Mr Gary Kellar PSM](#) was presented to Government in October 2022. A roadmap for the introduction of the new conduct framework was developed, however remains largely undelivered.

24 Dubbo Regional Council**Comprehensive reform of the existing code of conduct complaint system**

That Local Government NSW formally requests the NSW Government to undertake comprehensive reform of the existing Code of Conduct complaint system with specific regard to:

1. Code of Conduct complaints about councillors to be lodged directly with the Office of Local Government to centralise the code of conduct complaint system, increasing efficiency, transparency and fairness.
2. The Office of Local Government to assume full responsibility for the entire process of triaging complaints and managing or undertaking preliminary assessment and full investigation, to resolve complaints.
3. In the event that any individual complainant lodges three or more unsuccessful complaints in relation to any councillors within a single term, such complainant shall be deemed a vexatious complainant. As a consequence, the said complainant will be barred from lodging any further complaints against that specific council for the remaining term.

Note from Council

Nil supplied.

25 Camden Council**Councillor participation on audit, risk and improvement committees**

That Local Government NSW lobbies the NSW Government to:

1. Reinstatement of councillors as voting members on council Audit, Risk and Improvement Committees, provided independent members remain the majority; and
2. Allow councillors who are not members of the Audit, Risk and Improvement Committee to attend Committee meetings as observers.

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

Note from Council

The Office of Local Government on 20 July 2022 issued circular 22-21 Update on membership requirements for Audit, Risk and Improvement Committees (the Circular) and on 22 December 2022 introduced approved draft Guidelines on Risk Management and Internal Audit for Local Government in NSW (the Guidelines). The Circular and Guidelines reduce Councillor participation in Audit, Risk and Improvement Committees (Committees), noting that the requirements are to be supported by amendments to the Local Government (General) Regulation 2021 (the Regulation) effective from 1 July 2024. It is noted that the amendments to the Regulation legislating the change have not yet been released.

The new requirements advise that only one non-voting Councillor who meets eligibility requirements can be appointed to a Council's Audit, Risk and Improvement Committee. This reduces current Councillor participation on Committees, noting that Camden Council currently has two voting Councillor members on its Committee and all Councillors can attend as observers. Councillors are able to provide valuable local contribution and context to matters considered by the Committee and, as such, there is benefit in allowing Councillor participation and attendance at Committee meetings. Ensuring that the majority of Committee members remain independent and that the independent Chair can manage the smooth running of the meetings are seen as appropriate controls to support the participation of Councillors on the Committees.

That Local Government NSW calls upon the NSW Government to permit Councillor voting members on Audit Risk & Improvement Committees (ARICs) in the final Guidelines for Risk Management and Internal Audit for Local Government. The proposal to disallow Councillors from being voting members of ARICs shows a lack of understanding of governance processes in the Local Government sector.

Note from Council

The current draft Guidelines for Risk Management and Internal Audit for Local Government state "Councils also have the option of appointing one non-voting councillor member to their committee who meets the eligibility criteria for councillor members of committees set out below. The mayor cannot be appointed as a councillor member of a council's audit, risk and improvement committee".

The proposal for the removal of Councillors as voting members of ARIC shows a lack of understanding of governance processes in the Local Government sector. The governance arrangements in Councils are more aligned to the private sector where the elected Council is equivalent to a Board of Directors. This recognises the separation of those charged with management and those charged with governance. Research on ARIC practices in other States indicates that NSW will be 'out of step' with every other state in Australia by excluding Councillors as voting members.

26 Cootamundra-Gundagai Regional Council

Review of *Local Government Act 1993*

That Local Government NSW calls on the NSW Government to initiate a review of the *Local Government Act 1993* with a view to ensuring that the Act remains appropriate in its provision of a governance framework for NSW local government.

Note from Council

The NSW *Local Government Act 1993* was proclaimed in 1993 and has been in place for some 30 years. Over the years the Act has been amended at various times. At the very least, it would seem appropriate that the Act be reviewed to ensure that the intent of the principles that drove the development of a new Local Government Act in 1993 have not been unnecessarily offended with the various amendments to the Act and that the Act remains fit for purpose as a governance framework for local government in NSW.

27 City of Canterbury-Bankstown Council

Performance indicators for councils

That Local Government NSW lobbies the Minister for Local Government to bolster resources for the Office of Local Government (OLG) to progress work on the development of a Performance Measurement Framework, and associated performance indicators, that can be used by councils and the NSW Government in sector-wide performance reporting, as per the NSW Audit Office's recommendation.

Note from Council

Councils are still waiting for the development of a new Performance Measurement Framework (Framework) with associated performance indicators, to be used by the sector for performance reporting. Close to a decade in the making, work on the Framework has been repeatedly stalled. In 2018, The Audit Office of NSW Report Council reporting on service delivery recommended that the Office of Local Government (OLG) recommence work on the Framework by mid-2018. In 2023, the Audit Office of NSW, in its report: Regulation and Monitoring of Local Government showed that the OLG has made little progress on the Framework because of resourcing issues despite the Framework being categorised as a high priority.

The Framework is required, and without it, as claimed by the Audit Office of NSW, the OLG:

- cannot demonstrate it is effectively regulating the local government sector;
- is not delivering on its purpose to strengthen the sustainability, performance, integrity, transparency and accountability of the sector; and
- cannot effectively monitor the sector, keep abreast of and respond to current and emerging issues and threats or respond to risks relating to council compliance and performance.

It is imperative for the long term sustainability, health and success of the local government sector, that the NSW Government prioritises the completion of the Framework by adequately resourcing the OLG and delivering on the ALP (NSW) Platform 2021 position that “best practice benchmarking for local government is crucial to the overall process of local government reform and will create a climate for improved and more efficient service delivery.”

28 Lake Macquarie City Council Ethical and responsible use of AI in local government

That Local Government NSW:

- a. Affirms the importance of embracing artificial intelligence (AI) technologies in the local government sector to enhance service delivery, resource allocation and decision-making processes;
- b. Recognises the need to prioritise ethical considerations and responsible use of AI systems to protect the privacy and other rights of the community and ensure fairness, transparency, and accountability; and
- c. Calls on the NSW Government to establish guidelines and/or policies that promote the ethical and responsible use of AI in the local government sector.

Note from Council

Artificial Intelligence (AI) technologies have the potential to significantly enhance efficiency, transparency and decision-making capabilities within the local government sector. The rapid development and adoption of AI solutions presents both opportunities and challenges, requiring careful consideration of ethical implications and responsible governance practices.

It is imperative to ensure the use of AI in the NSW local government sector aligns with the principles of fairness, accountability, transparency and inclusivity. The NSW Government has developed a strategy and assurance framework to guide the use of AI by its staff and government agencies, but in view of the rapid evolution and adoption of AI in the broader community, a wider-ranging and more user-friendly set of guidelines is required for the local government sector.

29 Lake Macquarie City Council Liability of councillors

That Local Government NSW works with the Office of Local Government and NSW Parliamentary Counsel to review current and proposed NSW Government legislation to ensure it does not imply liability on Councillors for operational matters over which they have no control.

Note from Council

Recent investigations by council officers, verified by the LGNSW legal team, have identified situations where NSW legislation may not accurately reflect the unique structure of local government when imposing obligations on officers of corporations and other legal persons.

As a result, there is some ambiguity about the potential for Councillors to have legal responsibilities for matters that are clearly operational and over which they have no practical ability to exercise control. The example identified is in the Heavy Vehicle National Law (NSW) No 42a of 2013, which can be read as imposing criminal responsibility on Councillors for breaches of its requirements because it includes local government organisations in its definition of a “legal entity” and by default captures Councillors in the definition of “executive officers” of a legal entity. (Specifically, councils are classified as an “unincorporated body” under the Act, which is defined as a legal entity). The relevant references are found under Section 26D Duty of executive of legal entity and Section 5 Definitions.

Other NSW legislation, such as the *Work Health and Safety Act 2011* (WHS Act), deals with the position of councils more appropriately. Under Section 5 Meaning of “person conducting a business or undertaking” of the WHS Act, Councillors are excluded from liability by Clause 5, which states: “An elected member of a local authority does not in that capacity conduct a business or undertaking.” This is reinforced in Section 27c, which excludes “an elected member of a local authority” from its definition of “an officer of a public authority”. Given the potentially serious implications for Councillors of being held legally accountable for operational matters beyond their control, it would seem judicious for current and proposed legislation be reviewed to ensure such anomalies are identified and amended.

30 Shoalhaven City Council	Encouraging local government super funds to support ethical investments
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That Local Government NSW actively encourages local government super fund Active Super (and Vision Super should the proposed merger with Active Super proceed) to:

1. Divest from companies engaging in the extraction of fossil fuels, native forest logging, in addition to gambling, weapons manufacturers, and tobacco; and
2. Ensure that there are appropriate processes in place to verify environmental, social and corporate governance (ESG) related statements before they are published or announced to ensure they are factually correct and that there is a reasonable basis for the statements.

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

Note from Council

Local government is constantly on the frontlines and doing the heavy lifting when dealing with severe weather events. For example Shoalhaven City Council suffered 11 extreme weather events resulting in [Natural Disaster declarations](#) in the last 3 years. Climate change contributes to more severe weather events which occur more frequently than previously. According to Resilience NSW, between 2019 and 2022/23, 128 NSW LGA’s (ie 100%) were subject to Natural Disaster declarations related to bushfires, flooding and storms. The reality of climate change is upon us. In this context it is no longer acceptable for the retirement savings of local government sector employees to be invested in fossil fuel entities which are continuing to contribute to, and make worse, the effects of climate change.

In 2021 86% of Australians said they expected their superannuation, or other investments, to be invested responsibly and ethically. Local government employees who are directed towards preferred superannuation funds deserve to have a default option which is environmentally and socially sustainable. There needs to be much clearer regulation of the claims made by superannuation funds which cater for local government employees as to what is sustainable.

For example in its 21/22 Responsible Investment Report Active Super states that carbon capture and storage and the supply of gas are an acceptable part of a sustainable mix. We disagree that this meets current community expectations, particularly for a fund which states: Unlike some super funds who offer 'socially responsible' or 'ethical' investment options within their broader portfolio, our responsible investment principles are applied to our ENTIRE range of products. The Market Forces website identifies that local government super funds invest in some of the 190 publicly listed companies included in their Climate Wreckers Index. Both Active Super and Vision Super are identified by [Market Forces](#) as having an exposure to the companies on the Climate Wreckers Index:

Active Super –High Growth 8.81%

Vision Super - Balanced Growth 7.41%

Vision Super - Sustainable Balanced 4.71%

Companies included in the Climate Wrecker Index include the following companies which are found in the investment disclosures of these super funds. including: BHP, Rio Tinto, Santos, Woodside and others The Climate Wreckers Index is made up of the 190 publicly-listed companies from all over the world with the biggest plans to expand the scale of the fossil fuel industry. Specifically, the list includes:

- The top 60 oil and gas producers by expansion plans
- The top 60 coal miners by expansion plans and coal reserves
- The top 30 companies by new gas power plant development plans
- The top 30 companies by new coal power plant development plans
- The top 10 companies by liquefied natural gas (LNG) import and export terminal development plans.

Investment in companies in the gambling industry is also common. Vision Super has the following gambling associated investments: Aristocrat Leisure, The Lottery Corporation .

Across NSW and Australia, councils are expected to understand their risk profile in respect to exposure to the impacts of extreme weather resulting from climate change, these risks need to be factored into long term financial plans including ring fencing funds to enable recovery after impact and for many councils this is a challenge in the tight financial circumstances that the current disaster recovery funding model creates. It seems nonsensical that local government superannuation funds invest in the very business that exacerbate the very risks that we are trying to manage through adaptation and mitigation.

City of Sydney Encouraging local government super funds to support ethical investments

That Local Government NSW actively encourages local government super fund Active Super (and Vision Super should the proposed merger with Active Super proceed) to:

1. Divest from companies engaging in the extraction of fossil fuels, native forest logging, in addition to gambling, weapons manufacturers, and tobacco; and
2. Ensure that there are appropriate processes in place to verify environmental, social and corporate governance (ESG) related statements before they are published or announced to ensure they are factually correct and that there is a reasonable basis for the statements.

Note from Council

Superannuation funds across Australia are some of the largest investors in the fossil fuel industry. Active Super (formerly Local Government Super) and Vision Super manage and invest superannuation for many local councils. While Active Super and Vision Super have ethical investment strategies, they continue to invest in some of the fossil companies with the largest environmental impact, including companies with plans to expand coal or gas projects in the future.

Workforce and skills

31 Bega Valley Shire Council

Skills for visas in regional communities

That Local Government NSW advocates to the Department of Home Affairs (Federal) and Investment NSW to utilise the Regional Development Australia Skills Audits to better inform the skilled occupation list, with each region able to have a regionally specific skills list tailored to identified regional needs. This will ensure a more efficient matching of migrants and skills and will help to retain migrant skills within the regions.

Note from Council

It is imperative that regional communities are able to attract and retain suitable skilled workers. The Skilled Work Regional (Provisional) visa (subclass 491) allows skilled migrants to live, study and work in designated regional areas for a period of 5 years. It is a provisional residency visa available to skilled workers who are willing to live and work in a designated regional area (successful applicants can apply for a permanent visa after 3 years).

It is available both to skilled workers who are already living and working in Australia as temporary residents, and to those living outside Australia. NSW participates in the 491 visa program to support its regional economies and communities through the settlement of highly skilled migrants who are committed to living and working in regional NSW long term.

The process for determining the list of skills needed in regional communities, which are then aligned with the 491 visa program, has evolved over time and does not adequately or accurately represent the real skills needed in regional Australia.

32 Randwick City Council

Support for early childhood education in the local government sector

That Local Government NSW commits to supporting councils to recruit and retain early childhood educators by:

1. Calling on the NSW State Government to:
 - a. increase support for public early childhood education services, including extending the paid placement funding offered to ECT students to Diploma and Certificate III students, and;
 - b. support councils to expand high quality early childhood education and care through long daycare, out of hours care, pre-school, and occasional care.
2. Bargaining with the United Services Union and its members in good faith to achieve an increase to wages for early childhood educators above inflation, as well as leave provisions and hazard pay that reflect the risk of infection associated with work in early childhood education.

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

Note from Council

Education is a right that should be available to every child from birth, and early childhood educators deserve fair remuneration, whether they are employed by private providers, the state government, or councils.

That Local Government NSW commits to supporting councils to recruit and retain early childhood educators by:

1. Calling on the NSW State Government to:
 - a. increase support for public early childhood education services, including extending the paid placement funding offered to Early Childhood Teacher students to Diploma and Certificate III students; and
 - b. support councils to expand high quality early childhood education and care through long daycare, out of hours care, pre-school, and occasional care.
2. Bargaining with the United Services Union and its members in good faith to achieve an increase to wages for early childhood educators above inflation, as well as leave provisions and hazard pay that reflect the risk of infection associated with work in early childhood education.

Note from Council

Education is a right that should be available to every child from birth, and early childhood educators deserve fair remuneration, whether they are employed by private providers, the state government, or councils. Early learning services are fundamentally important for setting children up for successful life long learning and are particularly important for vulnerable children and those from lower socio-economic backgrounds. National and international research demonstrates that it is one of the most important population based early interventions that government can invest in. This is equally important as a public benefit to workforce participation for adults.

Local government is one of the largest providers of public early childhood education. Access to public early childhood education is vital to support working families, and the economic independence of women.

The sector is currently undergoing a crisis, with 74% of the workforce planning on leaving within the next three years due to low wages and high workloads, and relatively few students entering the sector to replace them. Unpaid placements currently require students to sacrifice thousands of dollars in pay in order to enter into a sector they are likely to then themselves leave. There are large 'deserts', especially in regional NSW, where families cannot access services for their children, meanwhile even in suburbs with sufficient services the fees have been rising more quickly than wages.

The costs of addressing this crisis should be borne by state and federal governments, not by families through fee increases, by educators through job cuts and not by councils who face increasing financial pressure due to cost-shifting by state and federal governments.

33 Inner West Council

Gender affirmation leave

That Local Government NSW consults with the union and trans health providers to develop a policy for paid annualised gender affirmation leave for employees of local government.

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

Note from Council

Some surgeries and other gender affirmation procedures can require six weeks or more recovery time during which employees would be out of a job. Very few employees will have enough leave stored up for these processes - particularly in the wake of Covid-19 - which may effectively force trans, non-binary, and otherwise gender diverse employees to leave our employ.

That Local Government NSW consults with the union and trans health providers to develop a policy for paid annualised gender affirmation leave for employees of local government.

Note from Council

Workers who are undergoing gender transition through surgeries and other gender affirmation procedures can require six weeks or more recovery time. Gender affirmation leave is not commonly available for workers, including local government, and very few employees have sufficient leave stored up for these processes – particularly in the wake of Covid-19. A lack of access to leave can effectively force trans, non-binary, and otherwise gender-diverse employees to leave their employment to undergo gender transition procedures.

34 Upper Hunter Shire Council Welfare reform around JobSeeker recipient requirements

That Local Government NSW lobbies the Federal Government to create welfare reform around JobSeeker recipient requirements to include 20 hours of work per week for the council of the recipient's local government area. The areas of work that the people would serve can include groundskeeping, road maintenance and any other areas where the local government area requires assistance that requires no qualifications.

Note from Council

To ensure welfare is managed in the most efficient way. It is Council's belief that a mechanism be put in place to ensure applicants return the benefits of the welfare system through community service.

Waste**35 Blacktown City Council Bans or tariffs to manage non-recyclable and composite plastics**

That Local Government NSW calls on the NSW Government to work with the Australian Government to expedite a ban or provide a tariff on non-recyclable and composite plastics that cannot be recycled in Australia.

Note from Council

We acknowledge the NSW Government's efforts in the single use plastics ban and NSW Plastics Action Plan. However, we are falling behind other states in taking prompt action. Western Australia and South Australia are leaders that are exceeding their commitments and setting a standard. Expediting a ban on non-recyclable plastics will support a circular economy and the process of designing out waste.

Introducing a tariff encourages greater accountability in product design. It can also be used to invest in dedicated infrastructure and encourages local government and private industries to adopt more sustainable practices.

Circularity requires us to be able to keep a material at its highest value. This is not achieved if we allow the use of composite plastics that cannot be processed onshore or be turned into the same item.

The ongoing use of composite plastics, especially in building and construction materials, results in non-recyclable plastic that is processed offshore to be used as refuse derived fuel, because it has no onshore market value. It also fails to support the regeneration of natural

systems. For example, producing 1 kilogram of plastics requires more than 185 litres of water, in addition to the fossil fuelled production system.

36 Blacktown City Council

Risks and costs of local government FOGO mandate

That Local Government NSW calls on the NSW Government to ensure the food organics garden organics (FOGO) mandate is achievable, and doesn't expose local councils to unnecessary risk and cost by:

1. Extending the roll-out of mandated FOGO services to multi-unit households until 2035
2. Ensuring minimum and maximum collection frequencies are not mandated for domestic waste collection
3. Ceasing to promote that current FOGO services are achieving a 2.6% contamination rate
4. Offsetting the full costs of implementation of the mandated FOGO services using additional funds from the section 88 Waste Levy revenue.

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

Note from Council

The FOGO mandate should include an extension to roll out the service to multi-unit household until 2035. This will ensure councils are able to develop necessary processes to manage delivery, including how exemptions may be applied (e.g. for rural areas, holiday rentals, properties without a domestic waste service etc.).

The arrangements should also ensure that minimum and maximum collection frequencies are not mandated for domestic waste collection. This will support infrastructure development to manage the increased capacity needed to process the organic waste. Without fast-tracked approvals, the delay in infrastructure development may result in councils being unfairly being penalised because they cannot access necessary infrastructure.

The NSW Government should also stop promoting that current FOGO services are achieving a 2.6% contamination rate. This is not achievable for councils introducing FOGO that require more time to develop the desired behaviour change. Promoting the contamination benchmark achieved by a limited number of councils over years of practice introduces reputational risk for councils that may not meet the benchmark based on their community's behaviours and the implementation timeframe. The NSW government should offset all the implementation costs of the mandated FOGO services using additional funds from the section 88 Waste levy revenue. This funding should be in addition to any funding currently allocated to the Waste and Sustainable Materials Strategy 2041.

Western Sydney Regional Organisation of Councils Household organic waste services in apartments

That Local Government NSW advocates to the NSW Government for an extension of the deadline to 2035 for the provision of organic waste services to multi-unit households by councils.

Note from Council

Under the NSW Waste and Sustainable Materials Strategy 2041, the NSW Government will require the separate collection of food and garden organics from all NSW households by 2030. While some councils across NSW already provide Food Organics and Garden Organics (FOGO) services, very few of these services are provided in medium and high-density residential dwellings.

A recent review undertaken of existing FOGO (or Food Organics only (FO) services) provided in apartment complexes noted the need for additional implementation time to assess bin capacity and

storage requirements, engage with each household of the complex to communicate changes and provide supporting infrastructure such as kitchen caddies and compostable liners. As such, a bespoke solution is required to provide this service to existing apartment complexes, requiring council to visit each property and determine a suitable method of service delivery and ongoing waste collection. Councils also require time to update local planning controls to enable organic waste collection to be considered in the design of new multi-unit complexes.

A citywide rollout to multi-unit dwellings is not possible in the same way it has been achieved for single household properties. Given the large number of apartment complexes in many LGAs in NSW, without this additional service implementation time many councils will struggle to provide a safe and effective service to all apartment households by 2030. Councils require more time to implement the service in multi-unit dwellings to achieve the desired resource recovery rates.

37 Wollongong City Council

Chemicals in food packaging

That Local Government NSW lobbies the NSW Government to address PFAS and other chemicals being used in compostable packaging and ensure that there are adequate standards enforced on compostable packaging so it can be processed in municipal FOGO collection schemes.

Note from Council

Since introducing Food Organics Garden Organics (FOGO) in 2020, Wollongong Council has informed residents that food, garden clippings and compostable packaging could be placed in their green-lidded bin for municipal waste collection. In 2022 FOGO collection diverted 56,000 tonnes of emissions from landfill in Wollongong and achieved a contamination rate of less than 1%. The NSW EPA reports that 69% of NSW households with services have a green-lidded bin for organics, 43 councils have FOGO.

In September 2022 the NSW EPA gave notice that it would exclude compostable packaging from list of eligible FOGO items, including fibre-based materials, such as bamboo, timber or cardboard packaging and cutlery, paper towels and serviettes. The EPA stated these products often contain additives to provide water and grease resistance in food packaging and can include perfluoroalkyl and polyfluoroalkyl substances (PFAS) which may cause human and environmental harm.

This has led to inconsistency in FOGO messaging between states, as in South Australia, items such as compostable packaging are permitted. These changes will increase the amount of waste going to landfill.

It's important that the EPA get to the source of PFAS contamination and prevent them from being used in the manufacture of food packaging.

38 Wollongong City Council

Right to repair

That Local Government NSW:

1. Lobbies the Australian Government to act on the Productivity Commission Right to Repair report recommendations, and
2. Writes to the NSW Minister for Environment and Minister for Fair Trading requesting that the Right to Repair be included in forthcoming circular economy policy reform.

Note from Council

A 'right to repair' is the ability of consumers to have their products repaired at a competitive price using a repairer of their choice. Realising this aspiration in a practical way involves a range of policies, including consumer and competition law, intellectual property protections, product labelling, and environmental and resource management. There are significant and unnecessary barriers to repair for some products. It proposes a suite of measures that aim to enhance consumers' right to repair while providing net benefits to the community.

There are several opportunities to give independent repairers greater access to repair supplies, and increase competition for repair services, without compromising public safety or discouraging innovation. A lack of consumer information about a product's repairability or durability is likely to make it difficult for some consumers to select more repairable and durable products based on their preferences, while reducing manufacturers' incentives to develop such products.

There is also scope to improve the way products are managed over their life, to reduce e waste ending up in landfill. In particular, the Government should amend product stewardship schemes to allow for reused e waste to be counted in scheme targets. Further, the use of electronic trackers within product stewardship schemes should increase, to improve awareness of the end of life location of e waste and ensure it is being sent to environmentally sound facilities.

Housing

39 LGNSW Board

Addressing the housing crisis across NSW

That Local Government NSW calls for urgent action to address the housing crisis by advocating to the NSW Government to:

1. Undertake and publish an audit of all public, social and affordable housing assets in NSW, as well as government land that could be used for this purpose,
2. Make significant investments in public, social and affordable housing right across NSW, as well as the enabling infrastructure required to support it,
3. Instil high levels of liveability and climate sensitive design standards into all new government delivered housing,
4. Ensure that any public and affordable housing reforms:
 - a. result in housing that is genuinely affordable, remains affordable in perpetuity (rather than for just 15 years), and is managed by the NSW Government or a not-for-profit community housing provider,
 - b. are developed in consultation with local government to ensure the reforms consider local amenity and character and align with, rather than override, local planning rules and housing strategies,
 - c. occur within a strategic, precinct-based framework which is supported by effective infrastructure planning rather than site-by-site (ad hoc) approaches,
 - d. reconsider whether growth areas and precincts that have been through detailed planning investigations, rezoning and infrastructure assessment in the last 10 years have the capacity to accommodate the proposed further 30% development uplift beyond the controls already in place,
 - e. maintain or increase council involvement and delegation in approval processes.

5. Establish an agency to oversee a collaborative approach between the NSW Government, councils, Community Housing Industry Association (CHIA), and community housing providers,
6. Review standards for manufactured homes, caravans and crisis housing to ensure they are fit for purpose,
7. Introduce measures to address land banking associated with residential land,
8. Make grant funding available to councils to support strategic planning to identify land that could be rezoned to enable more housing, as well as the infrastructure needed to support it,
9. Prioritise the foreshadowed review of the regulation of short-term rental accommodation.

(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. Lack of affordably priced housing not only affects the quality of life of individuals and families, but it also impacts 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.

Providing housing supply, choice and affordability is a priority of both the State and local governments. Councils help shape and deliver housing policy objectives through their land use planning and community service responsibilities. As the level of government closest to the community, councils play an important role in engaging with and planning for the needs of their communities, ensuring there is an appropriate supply and mix of housing to meet the community's diverse and changing needs.

The number and breadth of motions submitted to the LGNSW 2023 Annual Conference from councils across the State makes clear that councils and their communities do not consider the current approaches offer a sufficiently broad and inclusive spectrum of policies to address the housing availability and affordability crisis across NSW.

Councils have identified opportunities to address the housing crisis and are seeking a collaborative approach with the State Government to implement effective reforms, ensuring they provide for appropriate infrastructure capacity and do not override local councils' planning provisions and approved strategic plans.

Shoalhaven City Council

Social and affordable housing design and resilience

That Local Government NSW lobbies the NSW Government to develop and instil high levels of liveability and climate sensitive design standards into all new government delivered housing, with this to include working with councils to ensure local character and values are retained in the provision of social and affordable residential assets.

Note from Council

The NSW Housing Strategy introduced targets of 5-10% social and affordable housing across NSW, and a target specifically for 25% for government owned land. It is acknowledged that the overall supply of social and affordable housing has not kept up with demand in the State, and in 2019 the City Futures Research Centre estimated that a shortfall of 200,000 dwellings, with over 136,000 in greater Sydney and over 80,000 across the remainder of NSW.

Councils play a minor role in the provision of social housing compared to the NSW Government, but do perform a critical role in statutory approvals, local planning and in understanding the local values, character and community expectations. Local Government is the closest level of government to our community, and best placed to inform design and built form sensitivities acceptable and welcomed by our resident ratepayers and taxpayers. Priority Area 5 of the NSW Housing Strategy (Housing 2041) specifically references 'working with local government and communities to achieve the NSW Government housing objectives'.

Regional and rural areas of NSW are forecast to be impacted by climate change and climate resilient design. Designing housing for ongoing climate resilience and livability will not only benefit those utilising social and affordable housing but will also assist in long-term value and asset protection. This includes, but is not limited to; external shading, local canopy coverage, energy efficiency, use of renewable energy and materials, water saving measures, ventilation and thermal mass strategies, and design elements fitting of local character (including those relevant to coastal areas, hinterlands and rural settings).

Government-delivered social and affordable housing has the potential to showcase high levels of climate-resilient and livable design that can assist in defining the character and built form of unique locations across NSW.

City of Newcastle

Affordable and social housing

That Local Government NSW calls on the NSW Government to establish an agency to oversee a collaborative approach between the State Government, Councils, CHIA, and CHPs, to provide for thousands of people across NSW without safe, secure and affordable housing, and to:

1. Implement effective and equitable programs to fund and plan provision of new social (public, and affordable) housing and provide the necessary infrastructures to support increased dwellings;
2. Improve supply, amenity, sustainability and accessibility of social housing beyond existing local planning controls and developer community infrastructure contributions schemes;
3. Improve supply, amenity, sustainability and accessibility of social housing beyond existing local developer affordable housing contributions schemes and mechanisms;
4. Develop clear definitions of affordable, public, social, and community housing;
5. Ensure no further privatisation of public housing and/or crown land;
6. Ensure affordable housing is held in perpetuity; by not-for-profit Community Housing Provider, or in public operation and ownership; and
7. Ensure all new public and affordable housing delivers on local community and planning expectations.

Note from Council

With a need for more than 7,000 social and affordable dwellings to be built by 2041 (Source A), in 2023 Newcastle is in the top ten LGAs in NSW with the 'highest housing need', with 70% of low-income households experiencing rental stress, many more on low-moderate incomes experiencing rental stress, and 1911 people waiting up to 10 years for social housing (Source B). This is not unique.

Since at least 1996, Councils have been protective in seeking solutions to care for their populations, adopting social and affordable housing targets, and putting in place mechanisms to deliver affordable housing via developer contributions (through LEPs, Planning Agreements and SEPPs), and with and without compensatory floor space, uplift or rezoning.

The elected Council at the City of Newcastle has taken leadership in seeking a national solution to adequately fund, regulate, and provision affordable and social housing, including most recently in a unanimously supported resolution to the National Assembly of Local Governments at ALGA 2023, the declaration of a housing affordability crisis in the City in 2021 (Source C), and action to fast track more affordable housing in the city via collaborative partnerships with community and government, with projects already completed in Wickham (Source D), and to fast track more public housing in the city

via an MOU with LAHC with projects completed in Waratah West (Source E), and under construction in Wallsend (Source F), and mapping available sites for public or affordable housing.

Federal and State governments are starting to respond; e.g. via the Social Housing Accelerator payment to State Governments to deliver additional public dwellings, the National Housing Accord. In any changed planning pathways for social and affordable housing, achieving local expectations for planning (e.g. public benefit, residential amenity, sustainability, and accessibility) with projects deemed to fall under State consent should be prioritised. For example, LAHC projects in the city in 2022 consented under SEPP (Housing) under did not deliver on the City's expressed expectations and controls to achieve amenity, accessibility, and sustainability. Similar reform Part 3A was scrapped in 2011.

With a collaborative approach, with the community housing sector, and local governments, these actions have the promise to accelerate the delivery of additional social and affordable housing in the City in response to the housing crisis; to deliver this desperately needed public infrastructure for significant parts of our populations, in a way that demands housing is built that meets accessibility and sustainability requirements, and ensures our cities and towns remain accessible and liveable.

Source A: City of Newcastle Local Housing Strategy 2021

Source B: New South Wales Regional Housing Need Report, February 2023

Source C: City of Newcastle Lord Mayor Minute 27 July 2021 - Strategies to ameliorate the conditions of those in homelessness in Newcastle

Source D: Compass Housing 22 April 2021 - Social and Affordable Housing Wickham

Source E: Eight new social housing dwellings complete in Stannett Street at Waratah West, Newcastle Herald 23 January 2023

Source F: City of Newcastle Media Release 26 May 2022 - CN working in close partnership with LAHC to fast-track projects in Waratah West and Wallsend.

City of Parramatta Council

Affordable housing

That Local Government NSW:

1. Supports the NSW Government Affordable Housing policy reforms which are strategic in nature, as precinct consideration supported by effective development contributions planning is preferable to site by-site (ad-hoc) approaches.
2. Further, that where ad-hoc approaches are proposed, LGNSW supports reforms which:
 - a. maintain or increase council involvement and delegation in approval processes;
 - b. provide affordable housing in perpetuity, rather than subject to time limits;
 - c. do not compromise local development controls, good design outcomes and adequate infrastructure provision;
 - d. provide clear and sufficient pathways for funding any additional infrastructure impacts;
 - e. support Community Housing Providers as best-placed to manage affordable housing;
 - f. ensure that any proposed bonuses are well-modelled and well-considered in terms of both urban design and infrastructure impacts.

Note from Council

The NSW Government is presently advancing policy reforms which respond to the ongoing housing affordability crisis in NSW. While recognising policy change is required to meet housing affordability needs, councils also recognise that communities will bear the brunt of infrastructure and amenity impacts from increased housing delivery.

There is a need to carefully balance affordable housing policy reform with infrastructure and design outcomes, and ensure that councils are well-placed to speak for their communities in development assessment processes.

That Local Government NSW:

1. Calls on the NSW Government to develop affordable housing policies that prioritise delivering affordable housing in perpetuity, rather than only for a temporary period of 15 years;
2. Calls on the NSW Government to develop affordable housing policies that deliver housing that is genuinely affordable. That is, policies which are based on delivering housing that a person can afford (no more than 30% of their income), not based on a discount from market rent only; and
3. Calls on the NSW Government to work with local councils to develop strategies to protect and expand affordable and public housing cooperatively, which build on, rather than override, local planning rules and housing strategies.

Note from Council

In early 2023, the NSW Government announced its intention to introduce planning changes that will allow developers to build larger and denser buildings than would otherwise be permitted under planning rules, through a fast-tracked approval process that would by-pass local councils, in return for delivering some affordable housing for a temporary period of 15 years.

That Local Government NSW:

1. Notes that the State Government is planning to introduce planning changes that will allow developers to build taller and denser buildings, and have them fast-tracked, if they increase the supply of affordable housing, and
2. Urges the State Government as part of those changes to ensure that affordable housing is retained into perpetuity, rather than the current 15 years.

Note from Council

Planning changes allow fast tracked developments to override Local Govt restrictions regarding building height and density with the goal of increasing access to affordable housing (20 – 25% below market rate). This is a short-term fix, kicking the can of the housing crisis down the road. Affordable housing needs to be in perpetuity and must be supported by social and publicly owned housing developments.

That Local Government NSW requests the Minister for Planning and Public Spaces increase the grant funds available to local government to support the development of strategic plans to support projects that will identify land that could be rezoned, to facilitate development to address the current housing shortage.

Note from Council

The Department of Planning and Environment and the Department of Regional NSW are focused on addressing the land shortage to help support increased development and construction of houses.

Greater Hume Council is experiencing growth in a number of the townships, and Council has identified the need to complete a robust review of the strategic framework to identify opportunities and future demand. However, this type of review of strategic planning is resource intensive.

This motion requests, in order to support the collaboration of Local and State Government to achieve this goal, additional merit based funding opportunities be provided.

That Local Government NSW calls on the NSW Government to undertake and publish the results of an audit of all available public housing assets within NSW LGAs including:

1. Current occupied housing stock
2. Vacant public housing stock and state of asset
3. Vacant blocks of land-owned by the "public housing authority".

Note from Council

Public housing plays a critical role in providing affordable and stable housing for vulnerable and low-income individuals and families within NSW. With limited stock and high rents, the current housing crisis is impacting on many rural communities, as 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 being low income earners.

A comprehensive audit of public housing stock would provide an understanding of the state of public housing assets and allow for the development of data-driven strategies for improving the management and allocation of public housing resource.

The NSW Government is further urged to publish the results of this audit within a reasonable timeframe, ensuring transparency and accountability to the public and stakeholders.

Murray River Council**Land banking**

That Local Government NSW calls on the NSW Government to resolve the land banking issues associated with residential land by seeking a legal pathway by any means possible to unlock housing in NSW regional areas.

Note from Council

Australia is currently facing a housing affordability and availability crisis, noting that the migration of city residents to regional NSW is adding additional pressure on Councils for the provision of adequate supply of residential land products.

Murray River Council are investigating a legal pathway for disincentivise land banking (Speculators) for holding on to land for longer than a 5-year period (post-rezoning) for residential subdivisions. Currently there is a gap between once the land is rezoned to when the first Development Application is lodged by the developer for subdivision.

So far, we have tested the waters through a "plausibility" legal check process which came back as positive. What we are considering is applying a "lot yield" rates scheme to a sub-category of "farmland" under the Local Government Act 1993. This type of process and intent is already done in QLD and VIC (to some extent) via their local governments having an authorising environment to set their own rate categories and how its applied (national precedent) to incentivise or disincentivise developers that are land banking.

The next level of detail for this consideration to unpack and determine the practical application and identify steps that would be required by Council to put this in place. This will be a short to medium term option that would address land banking land that is rated as farmland however, zoned as residential land that is not activated for a period of 5 years that the land is rezoned (gazetted).

There are a couple of additional items that we are covering off to ensure that the head work infrastructure is carried out prior to this 5-year expiry, which is an additional element to lessen the likelihood of the land remaining stagnant (developer needing the return on their investment).

The benefits of a 'lot-yield scheme' being implemented include:

- This could assist in the affordable housing market by unlocking dormant land and flow on benefits.
- Speculators time to make a profit on increasing land value is no longer open ended so therefore the land is activated earlier to ensure housing continues at a faster pace.
- The pressure is taken off Councils at the whim of developers demanding rezonings, as the financial disincentive to hold onto the land longer than 5 years will mean there is too much outlay by developers to not proceed within that timeframe.
- Councils will be able to strategically plan more efficiently for actual required infrastructure, and development coming online.
- Low risk to Council or NSW government other than local political resistance from current land speculators.
- Rates caps would not be impacted would mean that land under the scenario of a "lot yield" scheme would ultimately pay more rates, therefore other rate payers would pay less (but a matter of a few less dollars across the other ratepayer).
- Housing targets could be met sooner by activation of land banked land and supports the "unblocking houses program", part of the NSW Government's \$2.8 billion 2022 Housing Package.

Speaking Points:

1. Murray River Council and a lot of other NSW Regional Councils have a number of suitably zoned residential land awaiting to be activated. Many Councils would experience the push or squeaky wheels from various developers in order to have their farmland rezoned residential to raise the value of their land for profit. The housing crisis has put a spotlight on innovative ways to release more residential land onto the market.
2. If the landowner is not an active developer, what generally happens is one of two things:
 - a. The landowner has no intention of developing the land until the profit margin or financial need is triggered or,
 - b. A developer buys the already zoned land off the speculator to develop and on sell at a premium.
3. There could be in the order of 30,000 blocks of land that could be activated if the legal pathway to apply a "lot-yield" rate scheme is supported regionally.
4. The "lot-yield" scheme that our council is investigating has merit and legal backing at this stage to be implemented and enforceable under the *Local Government Act 1993*.
5. I urge all Councils to support Murray River Councils initiative and be part of process of resolving a long-standing issue that will benefit every regional council to meet the NSW government's Housing 2042 agenda.

Narrabri Shire Council

Social and affordable housing

That Local Government NSW advocates to the NSW Government, specifically the Minister for Housing to:

1. Increase funding and investment in public, social and affordable housing.
2. Work with all levels of government to undertake a review of all government-owned property to identify suitable sites for redevelopment as affordable housing.
3. Continue to work with local Councils, developers and community housing organisations to facilitate the construction of affordable social housing.
4. Ensure that any commensurate housing programs do not result in cost shifting to local government.

Note from Council

Like many rural and regional areas, Narrabri Shire Council is currently experiencing a housing crisis, including increasing rates of homelessness. Social and affordable housing stocks continue to deplete and their condition worsens due to long-term inadequate financial investment and resourcing support by successive state and federal governments.

Significant land stocks are available within many communities which can be readily repurposed to meet community needs. Examples include residential subdivisions which are held under the ownership of the Crown which are complete and development-ready, and have been readily available for almost a decade, but have never been activated for social and affordable housing.

Local government should not be seen as the panacea for these longstanding housing challenges and must be appropriately supported as part of a whole of government approach to solve this problem.

Bega Valley Shire Council

Affordable housing

That Local Government NSW:

1. Calls on the state government for ongoing 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.
2. Calls on the state government to prioritise a review of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 to define 'portable device for human habitation' and the standards required to approve such devices that don't meet the definition of 'manufactured housing' or 'caravan'.
3. Advocates for new regulations/guidance regarding acceptable standards for crisis housing.
4. Advocates to the state government to provide financial investment in housing developments through Land and Housing Corporation to enable a greater proportion of lots to be developed for social and affordable housing.
5. Advocates to the state government to prioritise their response to the Byron Shire Short Term Rental Accommodation Planning Proposal Independent Planning Commission report and provide guidance to all councils in NSW.
6. Advocates to the state government for investment in regional infrastructure such as water, sewer and roads to support affordable housing development in regional and rural areas.

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 (noting these are 2022 quoted figures).

Additionally, there are a number of portable dwellings on the market that do not meet the definition of manufactured housing or caravan under the local government regulations. A review is urgently

needed to determine whether a lower level of amenity is adequate for temporary crisis housing and if so, how this can be assessed under the regulations.

The Hills Shire Council

Finding a sensible approach to the housing affordability crisis

That Local Government NSW calls on the NSW Government to reconsider proposed changes to the planning framework that would allow private developers significant residential development uplift and a State Government approval pathway, where at least 15% affordable housing is provided.

This review should include detailed investigations to determine whether growth areas and precincts that have been through detailed planning investigations, rezoning and infrastructure assessment in the last 10 years have the ability to accommodate the intended 30% development uplift beyond the controls already in place, with a particular focus on:

- a. built form, character and amenity impacts;
- b. regional and local infrastructure capacity; and
- c. the role Landcom could play in boosting social and affordable housing supply.

Note from Council

The proposed changes, intended to help NSW meet its National Housing Accord target of building 3,100 new affordable homes by 2029, include incentives to encourage private developers to boost affordable housing. These incentives include:

1. a new floor space and height bonus of 30% for residential developments with at least 15% affordable housing; and
2. a new state significant development pathway for residential development valued at more than \$75 million, providing it includes at least 15% affordable housing.

Providing housing supply, choice and affordability is a priority of both the State and local strategic planning framework. Much work has been done at the local level to assess future housing needs and ensure sufficient land is zoned and available to meet and exceed housing targets. This growth is being rolled out now with a focus on the right mix of infrastructure to support new development.

Appropriate planning controls have been put in place, after thorough planning investigations and extensive consultation, to regulate development in terms of dwelling yield, bulk and massing to ensure that appropriate built form outcomes are achieved. These controls already allow for significant development uplift and growth opportunities and capitalise on the full potential of the areas to accommodate growth.

Government agencies have been planning to accommodate this growth with new regional infrastructure and Council has been implementing local infrastructure contributions plans based on the projected yield under the current controls.

Increasing the potential floor space and height that development can achieve by 30% will result in substantially larger built forms than anticipated with associated character and amenity impacts. It will also result in more yield, which will require additional infrastructure to support the unanticipated dwellings. This is exacerbated by the proposed exemption from state infrastructure contributions for development by state housing agencies, which will result in a shortfall of funding to provide state level infrastructure to support these new dwellings.

More investigation is needed of the extent to which Landcom, as the Government developer, could expediently boost the supply of social and affordable housing on Government-owned land across NSW.

Allowing for more applications to be determined by a state government approval pathway, bypasses local community participation and concerns and diminishes the role of local government and planning

panels in the decision-making process. Projects around \$75m are not considered to be state significant and councils are best equipped to give proper consideration and weight to key planning merit issues in the local area.

The potential scope and impact of the changes is significant and should not proceed without evidence of rigorous assessment, analysis and working with Councils to determine a sensible approach to providing more housing supported by suitable infrastructure. An indiscriminate yield bonus of 30% over and above recently implemented planning controls which were based on proper planning investigation, process and consultation does not represent responsible or transparent governance.

Bega Valley Shire Council

Grant funding for planning and strategy development

That Local Government NSW advocates to the NSW Government to continue to develop and deliver grant funding programs that support strategic planning and strategy development.

Note from Council

Many Councils are experiencing unprecedented growth and development. This demand for growth provides an enormous opportunity for regional communities as well as numerous challenges. There are very few grant programs that offer funding for forward planning and strategic related work, with the funding typically available for the delivery of infrastructure.

Grants to support Councils to undertake planning work will ensure Councils are better placed to respond to and deliver quality grant funded infrastructure projects. It is imperative if we are to get the infrastructure, we need in the right place for the right type of growth that funding is available for planning related work.

40 North Sydney Council

Affordable housing and planning

That Local Government NSW lobbies the State Government to implement mandatory inclusionary zoning to provide for a minimum percentage of social and affordable housing for any new housing projects, for the life of the building/project.

Note from Council

There is a housing crisis in NSW. Homes and properties are unaffordable and out of the reach of most Australians. This motion seeks to ensure that all new housing projects contribute to the provision of social and affordable housing by mandating a percentage of dwellings for such a purpose for the life of the building.

41 City of Newcastle

Adoption of livable housing design to improve adaptability and access

That Local Government NSW calls upon the NSW Government to:

1. Adopt the Livable Housing Design Standards (silver level) introduced into the National Construction Code in 2022, joining all states and territories (except WA) who have already adopted the new minimum standards.
2. Amend the 2023 NSW Land and Housing Corporation Design Requirements so that the Platinum Level Livable Housing Design Guidelines are mandatory for all new social housing. This includes all public housing, community housing and housing owned or managed by the Aboriginal Housing Office.
3. Amend planning instruments and laws to mandate that all new build community housing and affordable housing, where the property owner benefits from any form of financial assistance or other benefit (such as height/FSR exemptions) provided directly or indirectly by the Federal government, NSW government or a local council, must incorporate the Platinum Level Livable Housing Guidelines.
4. Include in the 2023-24 Action Plan for the NSW Housing Strategy Housing 2041:

- a. Targets to ensure that the implementation of the Platinum Level Livable Housing Guidelines in new public, social and community housing, as well as affordable housing, occurs at the same time as the rollout of state and Commonwealth funding;
- b. Support for local government in undertaking reviews of their DCP and introducing Platinum Level Livable Housing Design Guidelines;
- c. Promotion of government leadership in mandating the Platinum Level Livable Housing Guidelines in public, social, community and affordable housing;
- d. Development of a communication strategy which will explain the benefits of improved housing accessibility to the community and industry.

And that Local Government NSW writes to the Minister for Housing Rose Jackson MLC and the Minister for Planning Paul Scully MP, within 28 days.

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

Note from Council

In 2022 minimum requirements for livable housing design were included by the Australian Building Codes Board in the National Construction Code (NCC). The purpose of the changes is to increase the stock of Australian housing that is adaptable and better able to meet the needs of older people and people with mobility limitations.

It will support housing choice, aging in place and reduce the cost of future adaptations as people's needs change over time. The Livable Housing Design Standard includes features that make a home easy to enter and move around such as step free entry and wider doorways/corridors and can be adapted to changing needs.

The National Construction Code Livable Housing Design Standards apply to all Class 1a buildings – detached houses, row houses, terraces, townhouses and villa units and Class 2 buildings – the interior of apartments. Other parts of the NCC as well as the Access to Premises Standards apply to the common areas in Class 2 buildings.

All states and territories except NSW and WA have adopted the new minimum standards for Livable Housing Design in the National Construction Code.

It is essential that NSW join the majority of states and territories in adopting the NCC Livable Housing Design Standards as a mandatory requirement as a first step in improving the availability of accessible housing.

The NSW Government can take steps to enable full participation and inclusion for people with a disability by mandating the platinum level Livable Housing Design Guidelines in all new public, social and community housing and leveraging the contributions made by state and local government to ensure greater availability and improved accessibility across the community housing and affordable housing sector.

Cowra Council

Livable housing standards

That Local Government NSW calls upon the NSW Government to adopt in full the Livable Housing Design standards as an integral component of the National Construction Code 2022.

Note from Council

The Livable Housing Design Standards have proven to be a vital measure in ensuring inclusivity, accessibility, and comfort in residential buildings. It is disheartening to note that, in NSW, these standards have not been mandated for sole-occupancy units in Class 2 buildings (multi-unit residential) and Class 1a buildings (residential dwellings), despite their widespread acceptance across the majority of states, scheduled for implementation in October 2023.

Council would also note the NSW Land and Housing Corporation has adopted the standards yet the NSW Government continues to resist. Council notes LGNSW's Policy Platform contains elements supporting accessibility (see Part 8.5) and this motion is considered complimentary to the existing platform. We urge the NSW Government to take decisive action in adopting Livable Housing Design Standards without delay, reaffirming our state's commitment to inclusivity, accessibility, and the well-being of all its residents. By embracing these standards, we will be taking a significant step towards creating a fairer, more compassionate, and progressive society.

Randwick City Council

Mandating new construction codes for accessibility

That Local Government NSW calls on the NSW State Government to mandate new National Minimum Construction Codes to improve accessibility in new homes.

Note from Council

Mandatory housing accessibility standards are being introduced into the National Construction Code in 2023. The new standards mean that new homes must incorporate seven key elements in order to meet minimal accessibility standards, and which include a step free entry and an easy access bathroom.

Most states and territories have opted into the new standards following long campaigns by accessibility advocates, however the NSW Government has refused to adopt these new accessibility standards. The National Construction Code is Australia's primary set of technical design and construction provisions for buildings. As a performance-based code, it sets the minimum required level for the safety, health, amenity, accessibility and sustainability of certain buildings.

The Livable Housing Design is a key focus of the Code, providing minimum accessibility standards for new builds across Australia. The new standards were first published by Livable Housing Australia (LHA). Universally accessible housing doesn't only benefit people with disability. Having a house or apartment that is accessible – means that a much wider range of people have their needs met, including older people, people with temporary impairments or accessibility needs following an illness or operation, and people with children and prams.

Accessible housing means people's options when looking for somewhere to live aren't as hindered by the physical limitations of a property. More than 4 million Australians, or around 18% of the population have a disability. Disability discrimination has serious impacts. Disabled people are more likely to live in poverty, have issues accessing quality, secure housing, and have barriers to employment and education. People with disability are diverse – they have different types and severities of disability and come from all socioeconomic and demographic groups.

42 City of Sydney

Short term rental accommodation

That Local Government NSW:

1. Commissions a study to report on the impact that short-term rental accommodation is having on rental affordability and availability and tourist accommodation in NSW.
2. Advocates for local Councils to be given stronger powers to cap the number of days per year that a property can be used for non-hosted short term rental accommodation.

Note from Council

Short term rental accommodation (such as AirBnB) contributes to the shortage of rental housing supply, where it converts properties that would otherwise be available for long term rental into short-stay accommodation. Local councils have limited powers to regulate short-term rentals. Current regulation imposes a 180-day cap on non-hosted accommodation.

Accommodation managers must register with the Department of Planning and Environment, but evidence suggests many do not. The City of Sydney has advocated to the NSW Government to recommend that non-hosted short term rental accommodation be reduced to a maximum 90 days per year.

43 Waverley Council

Unaffordable rents and rent increases

That Local Government NSW steps up concerted advocacy efforts with decision-makers, government agencies, the newly established office of Rental Commissioner and the broader community to support urgently needed rental reforms, intervention and innovation across the housing system, to effectively address escalating rents and the lack of renters' rights through measures that ensure rents do not increase faster than inflation and that promote longer and more secure tenure.

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

Note from Council

Steep rent increases are placing significant pressure on renting households across NSW. The Tenants' Union of NSW is urging decision makers to remove barriers faced by renters in accessing safe, secure and affordable housing.

A recent study undertaken for HOPE Housing by researchers at the University of Sydney reveals that the situation for essential workers attempting to find affordable housing has significantly worsened in the past five years. The research shows that in the most recent Census period, the greatest net losses of essential workers were from the Eastern Suburbs (-11%), Inner East (-11%), Parramatta (-9%) and Inner West (-8%).

Pressures in the Eastern Suburbs, an area with escalating rental increases on top of existing affordability challenges, are intense, made worse by impacts of short term visitor accommodation providers such as Airbnb.

Apart from government efforts to boost supply of affordable housing, consultative and collaborative efforts at all government levels need to focus on rental reforms that address no grounds evictions, the keeping of pets, the use of personal information, bonds and unaffordable rent increases.

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.

Community

44 Bega Valley Shire Council **Funding model for arts and cultural facilities**

That Local Government NSW advocates to the NSW Government to investigate a model of funding for council-run art galleries, performing arts facilities and museums that is similar to the NSW Library Annual Funding and Subsidy Adjustment Calculation.

Note from Council

Arts and culture are critical to a cohesive and functioning society. In regional areas, local governments often play a larger role, yet are competing with funding for metropolitan and/or privately run/funded facilities.

A new model of funding for council-run art galleries, performing arts facilities and museums that is similar to the NSW Library Annual Funding and Subsidy Adjustment Calculation would provide a fairer system. This model provides funding per capita within each local government area, a 'Subsidy Adjustment' flat rate payment to all councils which ensures that councils with small populations receive a meaningful payment, and an additional amount that is allocated based on the SEIFA score of each council.

This model would foster the continuous growth of expertise within local government organisations, empowering arts and cultural business units to envision and plan their futures with assurance. By legislating this funding, councils would not only be incentivised to offer arts and cultural facilities enriching the community but also to cultivate collaborative synergies across other NSW Government portfolios. Furthermore, this approach ensures an equitable representation and voice for both metro and regional arts organisations in the NSW cultural sector.

Additionally, future funding models need to support strategic planning to activate cultural spaces, including further development of cultural precincts and linking cultural venues to create synergies and increase opportunities within regional centres.

45 Blue Mountains City Council **Support for the NSW Public Libraries Association's "Birth to Five - Read and Thrive" campaign**

That Councils at the LGNSW Annual Conference support the NSW Public Libraries Association's "Birth to Five - Read and Thrive" campaign, which calls on the State Government to work with NSWPLA and councils to develop a state-wide early childhood literacy framework to be delivered in council-run public libraries across NSW.

Note from Council

Blue Mountains City Council is a member of the NSW Public Libraries Association (NSWPLA), which represents the 364 public libraries run by 128 local Councils throughout NSW.

In response to members' requests and priorities, NSWPLA commissioned independent research to better understand childhood literacy levels in NSW and the role that public libraries can play in strengthening young children's early literacy skills.

The report released in March 2023 “Learning Starts at the Local Library” showed “NSW is facing significant and concerning declines in childhood literacy levels, falling behind national and OECD (Organisation for Economic Cooperation and Development) benchmarks.” NSW ranks sixth last of all states and territories in mean reading literacy performance for children behind the ACT, Western Australia, Victoria, Queensland and South Australia.

Over 20 per cent of preschool-aged children in NSW are developmentally vulnerable, and 24 per cent of children are vulnerable or at-risk in their communication skills. Children from Aboriginal and Torres Strait Islander backgrounds, children from language backgrounds other than English and children from low -socio-economic backgrounds are even more vulnerable and face an even greater risk of developing literacy and learning difficulties which may disadvantage them in education and employment for their lifetimes. The research report also highlighted the wealth of evidence about how public libraries can play a significant role in supporting children’s early literacy skills from birth to starting school through programs such as baby, toddler, preschool story times and rhyme times. Research shows that encouraging and building the confidence of parents and caregivers to read to children from birth builds children’s language and foundational literacy skills.

NSWPLA’s “Birth to Five - Read and Thrive” campaign aims to achieve a state-government funded state-wide early literacy framework to support early literacy programs delivered in our public libraries across NSW. A dedicated, fully funded early literacy framework for NSW public libraries would focus on developing resources and training for NSW public libraries staff so that they can support children and families to strengthen and improve early childhood literacy outcomes for all children. State-wide early childhood literacy frameworks and programs exist in other states in Australia. A small investment in state-wide early childhood literacy framework for NSW public libraries will deliver big dividends for all young children’s early learning and development.

46 City of Newcastle

NSW carer's strategy action plan

That Local Government NSW recognises the valuable social and economic contribution that carers make to the community, acknowledges the diverse needs of carers and calls upon the NSW Government to:

1. Review the NSW Carers (Recognition) Act upon the conclusion of the parliamentary inquiry into the Commonwealth Carers (Recognition) Act.
2. Work with LGNSW to improve local government commitment to carers by:
 - a. Educating councils about their obligations under the NSW Carers (Recognition) Act.
 - b. Funding inclusion, equity and diversity initiatives in councils to better support working carers in the provision of flexible work arrangements, executive champions, employee carer networks and information about leave provisions and external resources.
 - c. Assisting councils to develop data about employees who identify as carers.
 - d. Developing evidence-based actions and measurable outcomes in the next Carer Strategy Action Plan.
3. Work with their federal, state and territory counterparts on a new National Carers Strategy which identifies priorities and actions and mandates measurable outcomes and support the creation of a National Carer Advisory Council.

Note from Council

The NSW Carers Strategy: Caring in New South Wales 202–2030 sets out the NSW Government's ten-year plan for supporting and recognizing carers in NSW. The strategy focuses on four priority areas:

- Carers have better access to information, services and supports
- Carers are recognized, respected and empowered
- Carers have improved financial wellbeing and economic opportunities
- Carers have better health and wellbeing.

Action Plans are developed every two years, the most recent being 2023, to assist in achieving the goals set out in the strategy and local government was not consulted during this process.

47 Cowra Council

NSW mobility parking scheme

That Local Government NSW writes to the NSW Government requesting consideration of changing the language within the published material associated with the NSW Mobility Parking Scheme to remove the word "disability".

Note from Council

Council is seeking support to urge the NSW Government to consider removing the word "disability" from all published materials associated with the NSW Mobility Parking Scheme. Instead, we propose adopting more appropriate terms such as "mobility parking space" and "mobility parking permit."

The current language used in the Mobility Parking Scheme inadvertently reinforces stigmas and perpetuates the misconception that only individuals with disabilities utilise these designated parking spaces and permits. However, accessibility needs extend far beyond those with visible or permanent disabilities. Many individuals, including the elderly, individuals with temporary injuries, and those with mobility impairments that may not meet the strict definition of a disability, also require the use of these designated parking spaces for their safety and convenience.

By transitioning to terms like "mobility parking space" and "mobility parking permit," we can create a more inclusive and welcoming environment for all individuals with diverse accessibility needs. This change in language will not only promote awareness and understanding of various mobility requirements but also discourage misuse of these parking spaces. Such a change in language would be a small yet impactful step towards dismantling barriers and promoting the rights and dignity of all community members.

48 City of Sydney

Local council outreach services for seasonal workers

That Local Government NSW writes to the Hon Tony Burke Minister for Employment and Workplace Relations asking the Commonwealth Government to:

1. Work with approved employers to provide relevant Councils with information about the number of Seasonal Workers expected and their countries of origin so Councils can understand their cultural needs, prepare the community for their arrival and consider and plan for their needs as part of their Local Emergency Management Plans;
2. Increase the frequency of check-ins by the Australian Government particularly to ensure living conditions meet the requirements outlined in the PALM Scheme Approved Employer Guidelines; and

3. Provide direct funding to Councils to establish dedicated local service hubs to provide Seasonal Workers with targeted programs, including by:
 - a. developing pathways and support outreach programs that connect Seasonal Workers to organisations that centre on the needs of migrants to assist Seasonal Workers to access culturally sensitive assistance to access relevant information, health and mental health;
 - b. culturally appropriate and non-biased Pastoral care through Australian South Sea Islander (ASSI), Aboriginal, Torres Strait Islander, Pacific and Culturally and Linguistically Diverse and Culturally and Racially Marginalised (CARM) community organisations that can demonstrate a deep knowledge of culture and the Seasonal Worker Program and its people;
 - c. working with local Australian South Sea Islanders (ASSI) and First Nations leaders, communities and/or organisations to provide the specific cultural awareness training and culturally appropriate introduction and networking to the traditional owners and other cultural authorities of the area; and
 - d. working closely with the law enforcement authorities in respective Councils to educate Seasonal Workers about law and order and Councils' regulations and by law on public order.

Note from Council

The Pacific Australia Labour Mobility, PALM Scheme formerly known as Seasonal Workers Program – SWP (2008) and Pacific Labour Scheme – PLS (2012) allows businesses across Australia (all states and territories, (with exception of ACT) to hire unskilled and semi-skilled workers from nine countries in the Pacific and Timor-Leste.

The Pacific Australia Labour Mobility scheme is guided by a memorandum of understanding between countries being a government-to-government program.

The largest cultural demographic of Seasonal Worker nationals are Pacific Islands and Timor Leste. It is estimated that there are currently close to 39,000 Seasonal Worker nationals across Australia (as at June 2023) with 11,000 of those from the Island State of Vanuatu – the largest group from any nation.

Seasonal Workers are an integral part of our food system, they pick and process the fresh fruit and vegetables and meat that is on our supermarket shelves and kitchen tables across the City of Sydney and other Council areas across NSW. Seasonal Workers pay income taxes aligned with Australian citizens and, pay private health insurance and union fees.

Seasonal workers are often employed by large recruitment firms who are the Approved Employer on record and have responsibility for Seasonal Workers. They often subcontract the Seasonal Workers to local farmers in the regions. Approved Employers rarely have good connections and understanding of local communities where Seasonal Workers are placed. Unlike many Approved Employers, Councils have strong ties to local communities and services.

Following the 2022 review of the Pacific Australia Labour Mobility scheme the Employer Guidelines were updated in May 2023 and require Approved Employers to have worker welfare embedded into their systems and practices to create positive, productive working environments. This includes by:

1. Meeting minimum accommodation standards;
2. Meeting cultural competency and effective communication requirements;
3. Providing seasonal workers with a workplace induction on arrival, including work health and safety requirements;
4. Providing an on-arrival briefing and helping workers form connections with local community groups as they settle into their new homes;
5. Providing information on a range of topics is provided to workers on a range of matters including:
 - a. accommodation and appropriate living arrangements;
 - b. personal finance, superannuation, insurance and banking services and tax returns;
 - c. sending money home;
 - d. essential items in Australia (SIM cards, phones, clothing, etc.);
 - e. getting an Australian driver's licence;
 - f. workplace rights and entitlements and the role of the Fair Work Ombudsman);
 - g. health and medical contacts;
 - h. education and training opportunities; and
 - i. contacts for any diaspora in the community where they will live and work.

The Australian Government also conducts check-ins with workers and employers to make sure employers are taking good care of their workers, and that all required conditions are being met. Workers with concerns about their work conditions can contact their country liaison officer or the Fair Work Ombudsman, or call the PALM scheme support service line for help and advice.

However, despite these requirements, The Pacific Islands Forum Secretariat, Comprehensive Assessment of Regional and Sub-Regional, Labour Mobility Arrangements in the Pacific from December 2022 shows that seasonal workers face numerous ongoing systematic problems including:

1. unsafe or inappropriate accommodation: seasonal workers are often housed in temporary living conditions that are overcrowded and well below the 'basic' Australian living standards. For example backpackers, motel or boarding house or a demountable shed on the farm with no proper amenities;
2. a lack of transport between work and accommodation;
3. underpayment and wage theft;
4. being exposed to unsafe work practices in some instances; and
5. a lack of access to crucial services including health, dentistry and mental health services; culturally appropriate pastoral care and council services for Culturally and Linguistically Diverse (CALD) communities.

Many approved employers and local farmers do not have the appropriate skills and knowledge to provide seasonal workers with the culturally appropriate support they need, and to connect people with the local services including relating to:

1. Culturally specific local knowledge including First Nations connections;
2. Orientation into their living environment, use of kitchen, shared bathrooms and laundry facilities;
3. Health services including dental, hospital, psychological and mental health. This is compounded by lack of transport to medical services, Seasonal Workers being overcharged or abandoned and relying heavily on local community and good will Samaritans to come to their rescue.

The wellbeing and human rights of Seasonal Workers relies on all tiers of government working together to address these longstanding challenges.

49 Gunnedah Shire Council

Funding for hoarding and squalor

That Local Government NSW calls on the NSW Government to:

1. Increase funding to the health and community services sectors to decrease cases of hoarding and squalor, and
2. Provide annual funding to the Office of Local Government, for councils to apply for, to fund the extraordinary and unpredictable costs of compliance and enforcement related to hoarding and squalor.

Note from Council

Hoarding disorder is a recognised mental illness which progressively gets worse. Hoarding can lead to living in squalor (unsanitary or filthy conditions) and the two often go hand in hand. Some with a hoarding disorder may accumulate anything but common items are clothing, old bills, newspapers, books, ornaments, car parts, and even animals. As the items or animals accumulate the person may no longer be able to maintain or clean their home, or care for the animals. The living environment may become unsafe and unhealthy for the person and/or occupants through falling/trip hazards, inability to access beds, bathroom, or toilets, fire risk, and rodent and insect infestations.

Once the person accumulates an amount or particular type of material that these risks manifest, the impact can be felt by immediate neighbours and the wider public. Insect and rodent infestation may spread to adjoining and nearby properties; odour from putrescent waste can impact on the health and well being of neighbours; the accumulated items may spill into the public domain or begin to damage common fencing; and the amenity of the neighbourhood is adversely impacted.

At this point, local government authorised officers may intervene through compliance and enforcement action. This process is complex, costly and may be protracted through appeals and challenges. This cost is not something that can be forecast from year to year as some LGA's may never have to take legal action, some may have to take it periodically, and others may do on a regular basis. Significant costs are incurred by Councils in resourcing the responses to hoarding and squalor, legal costs, and then the actual cost of remediating or cleaning up the hoarded items.

While Councils do have the opportunity to legally recover some of these legal and clean up costs, it is not unreasonable to expect that the hoarder already faces hardship and is unable to fully or even partly comply with any costs order. The result is an unpredictable and non-budgeted expense that is likely to be in the tens of thousands of dollars that will never be returned to Council's accounts. An infamous hoarding matter in Bondi NSW is reported to have cost that Council more than \$160,000. In 2022 Gunnedah Shire Council incurred more than \$9,000 in legal costs and approximately \$36,000 in clean up costs to remedy one case of hoarding and squalor; 142 tonnes of accumulated items including 8 motor vehicles, 109 tyres, and deceased animals was removed from two adjoining residential properties.

50 Snowy Valleys Council

State government's handling of COVID-19

That Local Government NSW requests a review of the State Government's handling of COVID-19 in particular the impact on ambulance services.

Note from Council

In November 2022, in response to Snowy Valleys Council's request to the Prime Minister the Hon Anthony Albanese MP to conduct a Royal Commission into the handling of all aspects of COVID-19, it was said that 'understanding the lessons learned from the COVID-19 pandemic is important to inform our future pandemic preparedness.

The Prime Minister has indicated a willingness to consider a national inquiry into Australia's COVID-19 response'.

There is no doubt that the mandatory COVID-19 vaccination rules had a significant impact on the delivery of a number of essential services including health (Ambulance Services), education and law enforcement at a time when these professions were in high demand.

It is possible that measures could have been implemented to enable these persons to undertake their professional roles whilst also providing a safe working environment.

Hence the need for a review of the State Government's handling of the COVID-19 pandemic.

51 Broken Hill City Council

Clubgrants scheme

That Local Government NSW:

1. Supports that the administration and delivery of the ClubGRANTS scheme (Category 1) remains local and not be amended so that the funds are paid into consolidated State revenue, with no local control on how the funds are donated.
2. Writes to the Premier of NSW, Minister for Liquor and Gaming, NSW Opposition Leader, and Shadow Minister for Liquor and Racing stating that Local Government NSW supports ClubGRANTS (Category 1) remaining under local LGA control.

Note from Council

The Department of Enterprise, Investment and Trade - Hospitality and Racing dated circulated revised ClubGRANTS Guidelines commencing at the beginning of the 2023-2024 gaming machine tax year.

It is important that ClubGRANTS Category 1 funds that are generated through local Clubs remain in the local communities and are not absorbed into a consolidated State revenue fund, with no local control on how the funds are donated.

ClubGRANTS Category 1 is designed to ensure that larger registered clubs in NSW contribute to the provision of frontline services to their local communities to support sporting, health and community activities.

Broken Hill City Council believes there may be a proposal to change clause 2.1.6 of the ClubGRANTS guidelines to include the establishment of a metropolitan based board to make decisions based on how ClubGRANTS funding is distributed.

2.1.6 Inclusion of requirement that 75% of Category 1 funds must be allocated in accordance with local committee recommendations.

If a club does not meet this requirement, they must submit a report to L&GNSW within 45 days detailing the reasons why this requirement has not been met. A report will be provided

to the Authority to consider whether the rebate is to be provided. This measure commences in 2023-2024 tax year.

Council is seeking the support of LGNSW to advocate to ensure that if a metropolitan based board is established it will not disadvantage small regional communities who rely on ClubGRANT funding at a local level.

52 Waverley Council

Early education and care

That Local Government NSW:

1. Establishes a taskforce to work collaboratively with the State and Federal governments on urgently needed sector reforms following this year's early childhood education and care services inquiries by the Australian Competition and Consumer Commission, the Independent Pricing and Regulatory Tribunal and Deloitte.
2. Advocates to the NSW Government to set up a dedicated local government funding stream in recognition of councils' significant role and status in the early education and care sector.

Note from Council

The early childhood education and care sector (ECEC) is in crisis. The cost of care has significantly increased; administrative, regulatory, and quality assurance processes are complex and unnecessarily laborious; coordinated planning to ensure adequate supply is largely absent; and providers are struggling to attract qualified staff.

These and other issues have been the subject of three major inquiries in 2023: ACCC, IPART, Deloitte. With findings expected to be made public towards the end of this year, now is the time for LGNSW to act and for its status to be recognised as a collaborative partner of state and federal governments in bringing about structural and long lasting reforms for the benefit of our communities.

Local government plays a critical role in the planning, coordination, provision and support of locally focused, stable, and inclusive early childhood education and care services. Its reputation for delivering on quality, price, equitable access, and good governance has remained strong but the cost burden needs to be shared.

Local Government NSW is in a unique position to:

- Establish a taskforce to work in partnership with State and Federal Governments to address structural issues, lack of planning, innovative service models, staff shortages, and funding inequities.
- Advocate to the NSW Government to consider setting up a dedicated local government funding stream in recognition of councils' significant role and status in the early education and care sector.

53 Kempsey Shire Council

Gambling reform

That Local Government NSW:

1. Urges the State Government to implement cashless poker machines with harm reduction features, and to scrap its unnecessary trial of the cashless gambling card, and
2. Calls on the State Government to ensure that councils have the right to make submissions about increases to poker machine numbers in their LGA.

Note from Council

Poker machines cost our metropolitan and rural communities significant money. In Kempsey Shire the gross profits from machines in 10 clubs was \$9,274,033 from 1 June to 30 November 2022. [Hotel data](#) includes Walcha and Kempsey, gross profits from machines in 11 Hotels was \$5,067,379 from 1 July to 31 December 2022. How much has your LGA lost in productive income via pubs or clubs in the last 6 months?

54 City of Sydney Ban on Local Government NSW using race clubs for conference venues

That Local Government NSW commits that Local Government NSW events not be held at venues that promote gambling, including race tracks or casinos.

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

Note from LGNSW

If this motion is adopted, fewer councils in regional NSW and metropolitan Sydney may be able to host a LGNSW Annual Conference or other events such as the Water Management Conference or Destination & Visitor Economy Conference in the future. The Annual Conference attracts almost 1000 delegates and there are very few venues in Sydney or regional NSW that are of suitable size to host the event. As a result, LGNSW conferences have at times been held at racing venues, which have large capacity and are more affordable for room hire and food and beverage than purpose-built conference centres. Using purpose-built conference centres as venues may result in higher attendance fees for members.

Note from Council

The Local Government NSW Annual Conference 2023 will be held from Sunday 12 to Tuesday 14 November 2023 at the Grand Pavilion, Rosehill Gardens Racecourse, Rosehill. Local Government NSW should not be seeking partnerships with organisations and/or businesses who promote gambling.

Lane Cove Council

Venue policy for LGNSW conferences and events

That Local Government NSW introduces a policy that prohibits the hosting of LGNSW conferences, events, or functions at racing venues, including race clubs and similar establishments, due to the associated problems and negative impacts such venues may pose.

Note from Council

This year's LGNSW Conference is to be held at Rosehill Racecourse. Previous Western Sydney based conferences have also been held at racing venues. While it is important for LGNSW to provide suitable venues for conferences and events, it is equally vital that we uphold ethical considerations and avoid potential harm to our community members. Racing venues, including race clubs and tracks, are primarily associated with gambling activities, which can lead to a range of social and economic problems. Hosting council events at these venues can inadvertently contribute to normalising gambling behavior and exposing attendees to a potentially harmful environment.

There are several pressing concerns associated with hosting LGNSW events at racing venues:

1. Gambling Addiction and Harm: Racing venues are often centres for gambling activities, including betting on horse races. Such activities can lead to gambling addiction, financial strain, and other related issues that negatively impact individuals and their families.
2. Normalisation of Gambling: Hosting LGNSW Conferences at racing venues can inadvertently send a message that gambling is an acceptable and regular form of entertainment. This contradicts LGNSW's mission statement which puts driving positive outcomes for local communities as a priority.

3. Social Inequity: Gambling venues have been shown to disproportionately affect vulnerable populations, including low-income individuals and those with pre-existing gambling problems. Hosting LGNSW conferences at these venues may inadvertently perpetuate social inequity.
4. Negative Public Perception: Associating council events with gambling venues can tarnish the reputation of LGNSW and the local government sector more broadly, potentially eroding public trust and confidence in our decision-making processes.
5. Introducing a policy that ensures racing venues are not chosen for conferences and LGNSW events will help address these concerns. LGNSW should seek venues that align with community values and contribute positively to the social fabric of our community.

55 Gunnedah Shire Council **Amendment to more doctors for rural Australia program**

That Local Government NSW calls on the Federal Government requesting:

1. Amendment to MDRAP (More Doctors for Rural Australia Program) by removing Monash Modified Model 2 zone from the program, thereby incentivising more doctors to locate to rural and remote regions within Australia, and
2. That college training programs be modified to reflect any changes to the MDRAP.

Note from Council

Rural and remote Australia is struggling to attract and retain doctors resulting in reduced medical services and poor health outcomes compared to cities and major regional centres. The MDRAP program was established to help address this imbalance by incentivising trainee and foreign doctors who were seeking a pathway to Fellowship, to consider training in a rural/remote location.

The Monash Modified Model (MMM) categorises Australia into 7 zones, 1 being metropolitan, 2 outlying metropolitan/inner regional, 3 to 7 zones reflecting the degree of remoteness. Using this model MDRAP worked with zones 3 to 7 allowing the available pool of doctors to only apply for placement within these areas. More recently zone 2 was added to the program which greatly increased the competition and effectively diminished the chances of rural/remote locations attracting a doctor. It is therefore recommended MMM Zone 2 be removed from the program.

56 Liverpool City Council **Medicare psychology services**

That Local Government NSW writes to the Federal Health Minister, the Hon Mark Butler MP, expressing its objection in the strongest terms to the slashing of Medicare funded psychology services, and immediately call for the reinstatement of 20 Medicare funded sessions.

Note from Council

Last December the Federal Government took the decision to slash access to psychology services for our community. This decision went directly against the recommendations of the extensive government-commissioned evaluation of Medicare psychology services, conducted by the University of Melbourne. This, at a time when interest rates and the cost of living pressures are mounting, is an abandonment of our most vulnerable people.

Statistics illustrate that up to 40 percent of people aged 15-24 years report suffering from a mental health condition. The majority of access to Medicare funded psychology services has been provided to young people within the community, particularly young women. Extensive research indicates that 18-20 psychology sessions is required to assist with moderate mental health issues – a far cry from the 10 sessions the government has landed on.

57 City of Sydney**Creating a network of LGBTIQ+ councillors and their allies**

That as a first step towards increasing visibility and extending its benefits, Local Government NSW establish a network of LGBTIQ+ identifying and allied councillors.

Note from Council

A complex set of factors affecting the experiences of the LGBTIQ+ community, including an increased risk of depression and anxiety, discrimination, increased unemployment, and mental health barriers.

According to Beyond Blue Australia, work is a key setting to improve and support mental health and wellbeing. It can contribute to a person's sense of purpose, income and social connection (which extends to life outside the workplace). Furthermore, connectedness with peers and affiliation with a broader LGBTIQ+ community has been identified as beneficial to those trying to cope with minority stressors.

Persons in public life who openly identify as being LGBTIQ+ provide inspiration and support for LGBTIQ+ people. There is a long history of people identifying as LGBTIQ+ being elected to their local Councils, including the City of Sydney, and to State and Federal Parliaments. Despite this, there is currently no public platform, network or coalition in Australia for elected members who openly identify as LGBTIQ+ at a local, state or Federal level. This presents an obstacle for younger queer people to see themselves in elected positions.

Visibility is power. With greater visibility, more young LGBTIQ+ people may be encouraged to seek election to their local council and or State and Federal Parliaments.

58 City of Sydney**Support for drag story time events in local government**

That Local Government NSW:

1. Encourages and facilitates member councils to organise local events that are inclusive for LGBTQIA+ residents year-round;
2. Supports councils to facilitate community-driven safety solutions to ensure that drag story time and similar events can take place at council facilities safely for performers and attendees; and
3. Encourages member councils to ensure that drag performers receive payment in full for events that are cancelled.

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

Note from Council

Council facilities such as public libraries, swimming pools, sporting facilities and community centres are ideal venues for local inclusive events including to promote pride and visibility of LGBTQIA+ communities.

NSW has seen a rise in homophobia and hate speech targeted at LGBTQIA+ communities, including organised disruptions of 'Drag Story Time' programs. Some Councils and communities lack the resources, expertise and networks to undertake community-driven safety solutions to ensure LGBTQIA+ events and activities, including Drag Story Time, are safe for performers and attendees.

That Local Government NSW:

1. Encourages and facilitates member councils to organise local events that are inclusive for LGBTQIA+ residents year-round.
2. Supports councils to facilitate community driven safety solutions to ensure that drag story time and similar events can take place at council facilities safely for performers and attendees.
3. Encourages member councils to ensure that drag performers receive payment in full for events that are cancelled.

Note from Council

Inner West Council has been a proud supporter of the LGBTQIA+ community and has facilitated events over a number of years. It has shown itself to be staunch in the face of threats to planned events such as its Trans and Gender Diverse Swim Events.

59 Georges River Council

Multicultural Principles and best practice

That Local Government NSW and all councils observe the Multicultural Principles in conducting its affairs based on *Multicultural NSW Act 2000* and work with Multicultural NSW to establish the best practice in their administration.

Note from Council

On 22 June 2020, Georges River Council resolved (NM041-20) to develop a Social Justice Charter to uphold social justice principles and advocate for the rights of all residents. The Georges River Council Social Justice Charter was adopted, following a public exhibition period, on 22 August 2022 (CCL073-22).

Research of the *Multicultural NSW Act 2000* and Multicultural Principles outlined by Multicultural NSW informed strategic direction and development of Georges River Council's Social Justice Charter and its subsequent principles – Participation, Equity, Respect and Empowerment. These principles align with the vision, purpose and principles of Multicultural NSW, in particular, advocating for vulnerable community groups, promoting inclusion and social cohesion, and celebrating diversity within the community.

Georges River Council has observed and embedded these principles as best practice in strategic and operational documents that shape Council's services, initiatives and programs for the community, including the Customer Experience Strategy and Customer Experience Charter, the Disability and Inclusion Action Plan, and the Child Protection Action Plan.

Georges River Council values the work of Multicultural NSW and engages with them across many projects. Council is a member of Multicultural NSW's Regional Engagement Program, which aims to build wide-reaching, strong relationships between communities across NSW. Multicultural NSW financially contributes to Council's multicultural events, including the Lunar New Year and In Good Taste festivals. Council's annual Migrant Information Day harnesses Multicultural NSW's advocacy channels with their presence at the event as a stallholder and being a guest speaker in the day's program.

Georges River Council consults with Multicultural NSW on various and diverse projects and initiatives when delivering services to the community, including Council's Multicultural Reference Group and the Historical Markers Program.

Council also engages with grassroots community organisations that are an extension of the work performed by Multicultural NSW, including 3Bridges and Advance Diversity Services.

Georges River Council will continue to work with Multicultural NSW to continuously improve the administration and delivery of services to the community.

60 Broken Hill City Council **Use of NSW benefit schemes for cross-border communities**

That Local Government NSW calls on the State Government to investigate arrangements for the use of any NSW benefits in neighbouring states for cross-border communities e.g. First Lap Grant, Travel Benefits at United Service Stations and write to all Local Members with cross-border councils regarding this matter.

Note from Council

There are communities in Far West NSW close to the Victorian border who cannot make use of NSW benefit schemes such as First Lap Grant, Travel Benefits at United Service Stations etc. due to their location being further from a NSW city than it is from a city in the neighbouring state.

For these communities to benefit from the various NSW schemes available by using them in a NSW city that has the relevant infrastructure/service, would mean that they would be at a financial disadvantage to do so.

The NSW schemes do not allow for cross-border communities to make use of the benefits in the city closest to them.

For example, the townships of Pooncarie and Wentworth and pastoralists in this region which are approximately 250km from Broken Hill are border communities to Mildura in Victoria and it is unfeasible for residents of these communities to travel to Broken Hill to make use of any NSW benefit schemes.

Arrangements need to be made for cross-border communities to also benefit from any NSW schemes by being able to use them in the closest city in their neighbouring state.

61 Waverley Council **Tourism impacts**

That Local Government NSW increases its advocacy to ensure local councils receive fair funding from both the Federal and State governments in order to:

1. manage security related risks and anti-social behaviour (and remove user pays arrangements for government services such as police), and
2. meet the additional costs from waste and cleansing from the impacts of tourism and the influx of visitors to the local area.

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

Note from Council

Local government plays a pivotal role in tourism activity, with councils actively involved in promoting tourism, providing infrastructure and services to support tourism and managing the impacts of tourism.

Waverley Council (Waverley) covers 9 km² along Sydney's eastern suburbs of Bronte, Tamarama and Bondi, north to Dover Heights and Rose Bay, west to Queens Park, Bondi Junction and Charing Cross, and south to Bronte. Located on Sydney's eastern seaboard, Waverley is just a few kilometres from the city centre and a must-see destination for visitors

and with three famous beaches. Bondi, Bronte and Tamarama attracts visitors in excess of 1.5 million per year, placing huge demands on its infrastructure and services, including roads, waste lifeguards and other services.

During the summer months, Waverley's beaches have tens of thousands of tourists and visitors from across Sydney, in particular around Christmas Day, Australia Day and other public holidays, estimated to exceed around 50,000 people.

Below are costs of operations provided at our key beaches during the peak summer period currently borne by ratepayers:

- Coastal precinct open space maintenance: approximately \$1,476,342 per annum.
- Summer crews to carry out public place cleansing at our beaches: \$150,000 (summer months only).
- Additional public place cleansing evening services: approximately \$700,000 per annum.
- User-pays police to crowd control and manage anti-social behaviour: approximately \$68,270 (\$41,410 for Christmas and New Year's public holiday period plus \$13,430 for Australia Day).
- Summer Safe Program; approximately \$97,432 (includes an on-site operations manager and up to five public space ambassadors for four months: November to February).
- Lifeguard service: approximately \$1,839,591 per annum in salaries and an additional \$200,00 for casuals employed over the summer period, and \$163,463 per annum operating expenses.

The above costs do not include key events such as Sculpture by the Sea. These events will often require additional costs to open space management to replace and repair assets.

Waverley Council

Hostile vehicle mitigation

That Local Government NSW advocates to the State and Federal governments to support councils' risk and safety requirements as specified by the Federal Government by funding programs to protect the community at identified crowded places.

Note from Council

In 2017, the Federal Government published Australia's Strategy for Protecting Crowded Places from Terrorism. The release of this document, particularly the duty of care requirements contained within it in relation to local government, placed a clear obligation on councils to deliver appropriate protection measures for crowded places.

There are key locations in NSW that attract high number of visitors and hence require planning, design and construction of hostile vehicle mitigation measure in relation to crowded space safety. The hostile vehicle mitigation design solutions need to seamlessly integrate into the relevant public domain locations to provide safe and accessible pedestrian environment while providing controlled and secure vehicle access for the ongoing management of the public domain.

Given the numerous nationally significant locations, local government seeks recognition from State and Federal funding bodies to support the delivery of the required projects.

62 Gunnedah Shire Council

First response policing agreement

That Local Government NSW calls on the NSW Police Minister and the NSW Commissioner of Police to direct the commanders of each police region in NSW to ensure:

1. Each police station have an endorsed "First Response Policing Agreement" in active use, and
2. That each "First Response Policing Agreement" commitment is made available to the community in which it represents.

Note from Council

In NSW, a policing "First Response Policing Agreement" is an agreement reached locally to provide a minimum number of employees required to operate a Command at a 'base' level. It is the responsibility of the Commander to negotiate First Response Policing Agreements however it is appropriate that consultation be made with the Roster Officer to assist in determining the appropriate levels due to their in-depth knowledge of resource requirements for the Command staffing levels.

The Roster Officer will be able to advise details for annual average hours for:

- Annual leave
- Sick leave
- Training
- Court

In recent years the Gunnedah Shire Council LGA has experienced increased crime activates placing enormous pressure on our local police force. This increase in crime rates has also created much anxiety through our community, especially our elderly residents. Activities that would be considered proactive instead of reactive to help curb the incidents of crime are not being implemented due to the inadequate allocation of resources.

Recent data from the Bureau of crime statistics (BOCSAR) clearly show an alarming trend of crime rate increases in the Gunnedah Shire over the last two years. The implementation of a "First Response Policing Agreement" would make a significant impact on the allocation of policing resources in Gunnedah and therefore, improve the outcomes for our community.

63 Kempsey Shire Council

Youth crime and drugs

That Local Government NSW lobbies the NSW Police Minister and Premier to form alliances with police, local councils, NSW Government agencies, community representatives and NGOs to holistically tackle the serious increase in youth crime and drug use in NSW communities.

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

Note from Council

Youth crime and drug use are major concerns for NSW citizens especially in regional areas where police and other youth services are critically under resourced. Instances of assaults, home invasions, burglaries and vehicle thefts have increased dramatically.

A local alliance of police, government agencies, local government and youth community representatives as well as young people could provide better responses to preventing youth crime and drug use across the State. Local government has a big role to play in facilitating alliances in our LGAs.

That Local Government NSW calls on the NSW Government to urgently establish a Rural Youth Justice Taskforce to proactively address escalating youth crime in rural and regional areas by utilising a whole of community and cross-organisational approach.

Note from Council

Narrabri Shire, like many remote rural and regional areas, is experiencing increasing rates of juvenile crime. There is real concern that the age of legal responsibility ('Doli incapax') will be increased without appropriate analysis and supporting measures to our communities to manage youth crime and justice issues, including but not limited to, appropriate diversion programs.

A Youth Justice Taskforce, similar in nature to that introduced in Queensland, is urgently requested to enable a whole of community and government approach to this issue.

64 City of Parramatta Council**Gender neutral toilets and change rooms**

That Local Government NSW supports the design and construction of gender neutral toilet blocks and change rooms at all parks and playing fields in NSW.

Note from Council

The recent Women's World Cup has highlighted the social appetite for Women's sport. Calls for grass roots funding and support for an increased number of facilities seems to have one focus, the lack of women's toilets and change rooms.

Since the 1960s, when women were prevented from working on building sites because there were no 'female toilets', the issue of male and female toilets and change rooms has been used as a reason/excuse for multiple codes of women's sport not being able to be played at various sporting venues and locations.

While there is universal agreement of a lack of facilities, any new toilet blocks and change rooms should be designed and built to be gender neutral. Having the capacity to be used by both males and females without any reference to gender.

65 Northern Beaches Council**Greater community access to sporting and cultural facilities in schools**

That Local Government NSW:

1. Advocates to the NSW Department of Education and Schools Infrastructure NSW to provide greater access to sporting and cultural facilities in schools to provide much needed rehearsing, performance, training and playing fields out of school hours.
2. Lobbies Schools Infrastructure NSW to engage with councils in the design development process for new schools to ensure that community access to sporting and cultural facilities is prioritised in the development of new spaces.

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

Note from Council

This motion seeks to raise the issue of increasing access to school facilities in a coordinated way to encourage more discussion with Schools Infrastructure NSW to ensure that access to sporting and cultural facilities can be enjoyed by communities across NSW.

That Local Government NSW advocates to the NSW Government to develop a policy framework and funding model to support joint-use arrangements between the State Government and Local Government to deliver community infrastructure e.g. Department of Education and Council to develop shared sporting, library and cultural facilities.

Note from Council

A joint-use facility framework can promote efficiency, cost-effectiveness, and collaborative efforts among different stakeholders. School Infrastructure NSW has partnered with three Councils to deliver joint-use facilities to benefit both the school and broader community. Improving policy, planning and funding for these joint-use initiatives will benefit both levels of government and the community as the cost of construction and maintenance of assets continues to escalate. [Shared use \(nsw.gov.au\)](https://www.nsw.gov.au).

Climate change and energy

66 Byron Shire Council

Changing policy to remove fossil fuel sponsorship

The the Local Government NSW Conference:

1. Recognises that fossil fuels are the main driver of climate change and that we are in a climate emergency.
2. Recognises that the marketing of high emissions products, such as petroleum and gas through sponsorships or advertising increases demand and delays behaviour changes in the community that are required to reduce emissions.
3. Notes that the Federal Government has a responsibility to implement restrictions on fossil fuel advertising through national laws, as was done with tobacco advertising, which saw a proven reduction in tobacco consumption per capita, therefore reducing the health burden of tobacco use.

That Local Government NSW:

1. Writes to the Federal Minister for Communications, The Hon Michelle Rowland MP, to ask the Federal Government to pass national laws that restrict fossil fuel advertising; and
2. Updates relevant policies to prohibit accepting sponsorships from companies whose business is the extraction, production or sale of coal, petroleum and gas.
3. Reviews other policies as appropriate to remove support for companies whose business is the extraction, production or sale of coal, petroleum and gas.
4. Lobbies the NSW Government to support NSW councils to also adopt the banning of fossil fuel sponsorships and advertising.

Note from Council

Air pollution from burning fossil fuels takes 8.7 million lives prematurely each year – more than tobacco. An estimated 150,000 people are dying due to climate change impacts every year. At least eight Australian Councils, as well as France and jurisdictions in the UK and Netherlands are restricting fossil fuel advertising.

Councils have a duty to ensure that its activities do not adversely impact the health and wellbeing of residents. Because of this, Council restricts the advertising of tobacco and other harmful products as well as fossil fuels. We should be supporting other Councils to also adopt this policy.

Coal, oil and gas are affecting our health, environment and climate. Air pollution from burning fossil fuels takes 8.7 million lives prematurely each year – more than tobacco. An estimated 150,000 people are dying due to climate change impacts every year.

Fossil fuels are the primary cause of global warming, which is impacting our LGA in the form of more intense and frequent heatwaves, storms, bushfires, floods, droughts and coastal erosion.

Council has adopted that we are facing a climate emergency and we are aiming to reach net zero by 2025. Advertising of companies involved with fossil fuel production or supply, as well as products such as gas, oil and coal is inconsistent with this adopted Council position.

1. <https://yaleclimateconnections.org/2021/04/air-pollution-from-fossil-fuels-caused-8-7-million-premature-deaths-in-2018-study-finds/>
2. <https://www.who.int/news-room/fact-sheets/detail/tobacco>
3. <https://www.who.int/heli/risks/climate/climatechange/en/>
4. <https://climate.nasa.gov/causes/>

67 City of Sydney **Ending fossil fuel sponsorship in local communities**

That Local Government NSW requests the federal government aid the energy transition by:

1. Encouraging low emissions consumption nationally through public information campaigns, Australian Consumer Law, the *Greenhouse and Energy Minimum Standards Act 2012 (Cth)(GEMS Act)* or other relevant Commonwealth powers;
2. Enacting policies or legislation to end or restrict the promotion of coal, petroleum or gas industries in local communities, including banning fossil fuel industries from sponsoring local education, sporting and cultural activities; and
3. Establishing a fund to enable local councils to provide financial support, or otherwise sponsor, community, education, sporting, and cultural groups, that currently take funding from the coal, petroleum or gas industry.

Note from Council

Fossil fuels including coal, oil and gas are affecting our health, environment, and climate, and are the primary cause of global warming which is impacting NSW through intense and frequent heatwaves, storms, bushfires, floods and droughts.

Air pollution from burning fossil fuels takes 8.7 million lives prematurely each year – more than tobacco. An estimated 150,000 people are dying due to climate change impacts every year.

68 Clarence Valley Council **Manufacturers to declare carbon emissions for building products**

The Local Government NSW lobbies the NSW Government to prepare a policy and associated legislation or other regulatory mechanism/s to require manufacturers of new building products sold in NSW to declare the level of carbon emissions generated to make the product, to enable consumers to make informed decisions about the carbon footprint of new building works, including renovations.

Note from Council

Council's Climate Change Advisory Committee meeting was held on Friday 28 July 2023 and at that meeting the Committee resolved to request Council to submit a motion to the 2023

Local Government Conference to seek action by the NSW Government to progress carbon offsetting for new developments and requiring manufacturers of building products to declare the amount of carbon generated in manufacture of such products.

69 Inverell Shire Council **Reduction in greenhouse emissions for agricultural sector**

That Local Government NSW seek a commitment from the Federal Government that when it is determining measures to reduce greenhouse emissions for the agricultural sector, that it specifically exclude an order to cull the national livestock herd to avoid adverse impacts on local economies.

Note from Council

In an effort to reduce greenhouse gas emissions for the agricultural sector, several members of the European Union have made a decision to cull their national livestock herd – the Republic of Ireland will cull 200,000 head of cattle, while the Dutch will reduce the number of pigs, cattle and chickens by 30%.

Councils have an important role in promoting and enabling sustainable local economies and communities.

If a similar approach to culling livestock herds is taken in Australia, there will be significant economic and social consequences, in particular impacting the ‘cost of living’.

70 Shellharbour City Council **Actions to address a warming climate**

That Local Government NSW advocates for NSW and Federal Government funding to support and encourage councils to facilitate roundtable discussions within each LGA to prepare for and take action to address the consequences of a warming climate.

Roundtables would involve relevant stakeholders such as businesses, industry, community and State and Federal government agencies.

Note from Council

Shellharbour City Council’s Climate and Sustainability Policy (2022) acknowledges that human induced climate change is one of the greatest threats of our time. The world is on track for severe climate warming, with global emissions still growing. The policies of global governments if implemented will lead to about 3 degrees warming (IPCC, 2023). Every increment of global warming will intensify the impacts of current hazards faced by our community, so both sustained emissions reduction, and sufficient adaptation preparations are needed to ensure our community is resilient to future climate impacts (IPCC, 2023). Climate change will not impact all regions in the same way, so localised context is critical to ensuring that communities are provided with support they need for the specific physical and transitional climate risks that they face.

Council’s Climate and Sustainability Policy outlines that Council is committed to supporting the community to achieve net zero emissions by 2050 and building a resilient and adaptive community, for the long-term sustainability of Shellharbour City. Council’s policy aims to align regionally and across NSW to embed sustainability principles into all business decision making. In order to achieve this, a collaborative roundtable of Local Governments and key State and Federal Government agencies, and other relevant stakeholders, would provide a forum to ensure Australia takes meaningful action against climate change and is prepared for

climate impacts, and are supporting our community to transition to a low carbon economy. Shellharbour City Council request LGNSW to advocate for regional groups of Councils to prepare for and take action to address the consequences of a warming climate by facilitating roundtable discussions with relevant LGA stakeholders.

71 Murray River Council

Nuclear energy

That Local Government NSW calls on the Federal Government to 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 Toshiaki 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.

This has been, and still is a very emotive subject in Australia. This report seeks to ensure the Federal Government adopts a much more open and objective approach when assessing potential energy generation alternatives.

The risk to council revolves around those passionately against nuclear energy deliberately misinterpreting the rationale underpinning the report and attacking council.

References World Nuclear Association – Information on Small Modular Reactors Freethink* – Fast Laser Pulse.

72 Muswellbrook Shire Council **Economic roadmap for transition from hydrocarbons**

That Local Government NSW calls on the NSW Government to formulate an economic roadmap for NSW, and in particular directly impacted councils, in relation to the transition from hydrocarbon based industries.

Note from Council

NSW is going through a dynamic transition process from traditional hydrocarbon based power generation to more diversified sources of energy production. It is imperative that a strategic approach is taken by government to ensure that this transition develops in a timely manner to ensure that the State's power security is not placed at risk through lack of strategic planning and foresight.

73 North Sydney Council **Power Sharing**

That Local Government NSW lobbies the State and Federal Government to:

1. Adopt a policy to encourage neighbourhood power sharing and community battery scheme for Local Government Areas with multi-unit dwellings.
2. Secure financial and logistical support for the introduction of pilot neighbourhood schemes for power sharing schemes and community batteries in such LGAs.
3. Secure funding for a community awareness and education campaign in co-operation with LGNSW and member councils to promote community batteries and self-sufficiency in power generation.

Note from Council

Different models of neighbourhood power sharing schemes exist in Australia, all with the long-term goal of storing energy generated by solar panels in batteries which can then be shared between neighbours, or to a network.

The benefits of community batteries include:

- They encourage greater solar uptake by households and businesses, increasing the amount of renewable energy in the system.
- They make access to battery storage more equitable and accessible for all customers, particularly those who aren't currently able to install their own household battery.
- Lower bills for solar customers because they can consume more of their own stored solar power.
- Easier to participate in energy sharing due to batteries being purchased and maintained by others, at a lower cost per unit of electricity stored, due to community batteries being of a larger scale.
- Helping to reduce overall electricity costs to all customers by reducing peak loads in the system while enabling more solar to be installed on the network.

- Allow greater uptake of electric vehicles in the community.
- Greater electricity network reliability.
- Offer an alternative to traditional infrastructure (poles and wires) investment helping energy distributors place downward pressure on energy prices.

74 Shellharbour City Council **Smart energy schools pilot program expansion**

That Local Government NSW advocates for the NSW Government to expand the 'Smart Energy Schools Pilot Program' beyond the pilot period to:

1. Allow additional schools to install significant solar power generating capacity, battery storage and Virtual Power Plant participation.
2. Upgrade and expand schools with existing solar to provide additional solar power generating capacity and battery storage.
3. Expand the program into community scale battery storage facilities to all eligible NSW schools with significant solar power generating capacity and to collect significant solar generation.

Note from Council

Shellharbour City Council has participated in the Solar My Schools Program and has supported two local schools, Oak Flats Primary School (29kW system) and Lake Illawarra Public School (41kW system) to install solar systems.

The Solar My Schools Program has since concluded due to a coordinated state government solar rollout.

These schools in Council's LGA and all schools throughout NSW could benefit from participation in the Smart Energies School Program beyond the pilot period.

75 Wagga Wagga City Council **Creation of a body to supervise the decisions of Transgrid**

That Local Government NSW advocates to the NSW Government for the immediate establishment of a supervisory body to oversee the decisions of Transgrid, and that Transgrid be prohibited from implementing a decision which the supervisory body is satisfied will cause unreasonable harm to regional communities.

Note from Council

Security of power is a critical issue facing NSW with the future closure of coal fired power stations occurring in the current absence of new transmission infrastructure to source replacement power.

This circumstance has created an environment where Transgrid have been supported in delivering approaches to transmission which are expedient, and which cause harm to regional communities.

As an example, Transgrid have used a compulsory acquisition power to take a 1.8km corridor through the waste management facility serving the Wagga Wagga community and region. The effect is the sterilisation of waste management within the 1.8 km corridor which has been taken from within the facility.

Wagga Wagga City Council, on behalf of its community opposed the acquisition. This was ignored by Transgrid.

Transgrid have refused to provide the document they created to convince the government to order the cessation of the waste management facility use for the local regional community in preference to the business interests being pursued by Transgrid.

Attempts to have the documentation which was given to Government to obtain the exercise of the compulsory acquisition power have been refused including a GIPA application.

The waste management facility was acquired by Wagga Wagga City Council by compulsory process. It beggars' belief that one agency can stop another government agencies public service activity by compulsory process, even when the first activity was pursued by the same process.

The decisions of Transgrid need to be supervised to prevent future harm to communities. Transgrid holds a monopoly position, and it serves investors far distant from the communities it harms.

The purpose of this motion is to obtain some sort of supervision over an entity which has demonstrated a lack of respect, care, and fairness to many communities in regional NSW.

Communities and local government authorities rightly feel powerless and simply have no capacity to respond to the aggressive, ruthless and heartless action of a body with unlimited financial resourcing and access to oppressive powers. The complete lack of transparency and honesty being delivered by Transgrid further emphasises the power imbalance.

This motion seeks a practical measure in an attempt to overcome the harm currently being inflicted on regional NSW by Transgrid.

76 Snowy Valleys Council **Undergrounding Transgrid transmission infrastructure**

That, in the interests of the conservation of biological diversity and visual amenity, Local Government NSW advocates for the undergrounding of Transgrid transmission lines currently proposed as above ground infrastructure that would stretch across many areas of state and national ecological significance.

Note from Council

Based on the only expert advice on undergrounding major electrical transmission infrastructure Council contends that the best solution is to avoid the overhead transmission externalities by undergrounding lines.

Undergrounding transmission lines is the most appropriate option considering the affects that above ground would have to visual amenity, farming, residents, forestry, biodiversity, tourism and reduced fire risk and ultimately cost.

We can be reassured that we would be following best practice of others worldwide. Undergrounding is a proven technology commonly adopted elsewhere in the world where communities will not tolerate overhead infrastructure and policy-makers see the wisdom of planning infrastructure for long-run resilience to future climate events that threaten the security of supply of electricity through overhead lines, as they do here as well.

Current proposals to construct transmission lines overhead are short-sighted and do not reflect the long-term cost taking into consideration the risks mentioned above.

Governments must represent future generations that will inherit the consequences of our decisions.

77 Muswellbrook Shire Council Transportation of renewable energy project infrastructure

That Local Government NSW:

1. Calls upon the NSW Government to resolve road infrastructure constraints associated with the transportation of renewable energy project infrastructure to Renewable Energy Zones.
2. Advocates for all impacted local roads to be reclassified as State Roads for the duration of renewable energy construction works.
3. Advocates for a live app. to be funded by renewable energy project proponents that will enable impacted community members to track the passage of oversize vehicles through their Shire and to thereby enhance the safety of communities who must negotiate the passage of these oversize vehicle movements.

Note from Council

There is a critical need to strategically improve transport routes to facilitate the passage of renewable energy project components to Renewable Energy Zones.

78 Inner West Council Ban gas in new housing

That Local Government NSW calls on the NSW government to introduce a ban on gas in new housing to reduce emissions, improve indoor air quality in homes and reduce cost of living pressures by removing an unnecessary utility bill.

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

Note from Council

Everyday Australians are currently in the midst of a housing and cost-of-living crisis. As interest rates and rents continue to rise, more people are struggling to pay their increasing energy bills. According to the Australian Energy Regulator, NSW residential energy customers could face gas price increases of as much as 23.7% by 1 July 2023, which would be 16.9% higher than current inflation rates.

A recent Energy Consumers Australia survey of 2,500 people found that more than one quarter of households are struggling to pay their energy bills.

In addition, gas appliances emit pollutants like carbon monoxide, nitrogen dioxide, fine and ultrafine particles, volatile compounds such as formaldehyde, and polycyclic aromatic hydrocarbons into our homes. Carbon monoxide poisoning caused at least fifteen fatalities between 2011 and 2015, and increases of childhood asthma, coughs and wheezing are caused by gas cooktops.

By powering new homes and apartments with only electricity, home owners and renters would save substantially on energy costs and be protected from the price shocks of a volatile energy market. They would also benefit from greater energy security for the future as government power infrastructure moves to renewable energy sources and Net Zero Emissions.

Recent modelling shows that homes in Sydney could save \$924 per year on their energy bills if they switched gas appliances like hot water units, heaters, ovens and stoves, to electric ones.

Shoalhaven City Council

Gas connections to new residential properties

That Local Government NSW advocates to the NSW Government to mandate strict restrictions for gas connections in all new housing and new urban land release areas, noting the relative health and environmental impacts arising from the use of both piped and bottled gas in residential settings.

Note from Council

Both bottled (LPG) and piped (natural gas) connections have been mainstay in residential buildings in NSW for some time. Known risks of gas within households arises not only from its flammability and ability to accumulate across floor levels, but also with mounting evidence showing the health hazards associated with asphyxiation and by products of burning gasses in enclosed areas (including butane, formaldehyde and nitrogen dioxide) which can exacerbate asthma and cause inflammation of airways.

The use of gas for cooking can lead to air pollution levels indoors that far exceed outdoor air quality guideline measures, and in some cases, is comparable to second hand cigarette smoke pollution and health risks. Children are particularly vulnerable to health impacts associated with gas use in indoor residential settings.

The Climate Council poll of 1,000 Australians found that only 32% were aware of the health hazards attributable to gas stovetops and cooking appliances in homes.

Further evidence shows that gas cooking appliances account for significant methane emissions, contributing to atmospheric carbon and climate change. The climate impact of gas cooking and residential use remains significant due to its widespread use. Phasing away from gas use in homes is a key to transition away from the direct health and indirect climate health risks associated with both natural gas and LPG installations.

Technological advances and the availability of high quality and affordable electric cooking devices for residential homes now provide comparable performance to gas options and can utilise cheaper renewable electricity as a fuel source.

79 Queanbeyan-Palerang Regional Council

Amendments to BASIX

That Local Government NSW calls on the NSW Government to update the Building Sustainability Index (BASIX) to remove installation of gas in new dwellings and renovations, to support a rapid transition away from fossil fuels and towards electrification powered by renewable energy.

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

Note from Council

The Building Sustainability Index (BASIX) State Environmental Planning Policy (SEPP) currently permits installation of gas as an option for new dwellings and renovations that trigger the BASIX provisions. This provision is an obstacle to a rapid transition away from fossil fuels to full electrification of energy and hot water use in dwellings.

Full electrification drawing on renewable energy is needed to support achievement of net zero emissions in the fastest possible time to keep global warming within relatively safe levels as reflected in the 2015 Paris Agreement.

That Local Government NSW requests that the NSW Government consider amending the BASIX assessment tool to incentivise the installation of electric appliances (rather than natural gas) for cooking and heating for thermal comfort by removing gas from the sustainability index. The amendments to the assessment tool would relate to new homes and renovations valued at \$50,000 or over to support a faster transition to electrification of power use.

Note from Council

Phasing out of gas is essential to achieve net zero emissions. It is widely accepted that the easiest pathway to de-carbonisation is through electrification. Methane (the key component of LNG) is up to 83 times more polluting in a 20 year period than carbon dioxide. The International Energy Agency has advised that no new gas fields can be developed if the world is to safely and sustainably achieve net zero emissions by 2050.

That Local Government NSW calls on the NSW Government to develop a comprehensive offshore wind farms strategy close to major demand centres in order to speed up the transition to renewables.

Note from Council

It is the policy of the NSW Government that over 80% of the states electricity needs will be generated by renewables in just seven short years time. Most of this renewable energy is proposed to be generated in regional NSW and will then be delivered to Sydney via a series of massive transmission lines. A possible roadblock to this courageous policy is the fact that work is yet to start on the transmission lines, or on the workers camps or water supplies for the workers who are supposed to build them.

The capacity to generate locally the amount of renewable energy that will be required in the Sydney basin is constrained, so the use of offshore wind farms will be critical. Popular and political support for this initiative from the coastal areas of Sydney should ensure the adoption of this motion.

That Local Government NSW:

1. Urgently advocates to the NSW Government against the mandatory requirement for councils to undergo an assessment and produce a review of environmental factors (REF) for on-street electric vehicle (EV) chargers under the new State Environmental Planning Policy (Transport and Infrastructure) Amendment (Electric Vehicles) 2023.
2. Notes that while Local Government NSW fully supports the NSW Government's efforts to promote electric mobility and reduce greenhouse gas emissions, it believes that this particular regulatory requirement is unnecessary and will significantly delay the roll-out of EV chargers across NSW.

Note from Council

In early 2023, the NSW Government amended legislation so that kerbside EV chargers were required to undergo a Part 5 approval process under the *Environmental Planning and Assessment Act 1979*. This is a redundant process, as Councils can already install a range of infrastructure under the Roads Act, Section 138, 1993, which covers works in a public road way including on-street EV chargers.

These existing processes encompass environmental impact assessments, traffic studies and community consultations. Requiring an additional REF process for every EV charger project duplicates efforts and hinders the swift implementation of much-needed charging infrastructure. The additional delay in implementation will inevitably slow down the rollout of EV chargers, hindering the transition to a low-carbon transport system.

Planning

82 Georges River Council NSW Government to take steps to improve Private Certification processes

That Local Government NSW urges the NSW Government to take steps to improve Private Certification processes, including, but not limited to:

- a. Empowering councils to enable them to act against infringements or other malpractice committed by Private Certifiers, e.g., to issue penalty notices for non-compliance with approvals;
- b. Undertaking discussions with the Department of Customer Service (NSW Fair Trading) regarding developing and piloting a system to deal with complaints by neighbours or other third parties (rather than having to contact the certifier);
- c. Creating an authority to arbitrate on objections to Complying Developments and provides free advice to members of the public to assist them in submission writing.
- d. Mandating the provision of notifying Complying Development Certificate applications to neighbours by letter, and also to the general public through the NSW Planning Portal and council website;
- e. Allowing members of the public 14 days' notice to lodge objections;
- f. Examining whether the allocation of Private Certifiers from an approved list would assist in stamping out malpractice;
- g. Funding councils so that they are adequately equipped to police the actions of private certifiers by way of a development compliance levy as part of the application lodgment process;
- h. Increasing penalties for non-compliance; and
- i. Ensuring that the Departments of Customer Service and Planning and Environment are resourced and empowered to respond promptly and effectively when dealing with breaches by certifiers.

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

Note from Council

The role of private certifiers, the level of construction activity and the impact on the Georges River community has been an issue for many years and the Council has been advocating for change to the current legislation to create a comprehensive and robust system to ensure the issues raised by the community are addressed. The focus of change should include:

- accountable certification processes;
- a complaints framework that guarantees action and resolution for concerned residents.

Over the last couple of years, Council has written to a number of State Government Ministers requesting change to the legislation, but our requests for change have not been addressed.

Private certifiers are responsible for issuing over 90% of all complying development certificates and construction certificates in the Georges River Council area. They are managing a significant portion of development in the LGA.

An area of great concern to our community is the use of private certifiers in the approval of complying development certificates and construction certificates and the subsequent management of the construction for development such as dwelling houses, dual occupancies and secondary dwellings.

The key issues and complaints we are hearing from the community is:

- Residents do not know a development is occurring next door or in the street until the day the building works start;
- Development does not comply with the legislation and the relevant policies - e.g. stormwater and trees;
- The development site and construction process is not managed properly - with concerns relating to construction hours;
- The building does not comply with the approved plans and poor construction practices;
- The Council does not step in to address and resolve their complaint.

The legislation states that when a private certifier is the Principal Certifying Authority (PCA) for a development they are responsible for conducting inspections and ensuring building and construction complies with the approvals.

As the private certifier is the independent regulator, Council has limited jurisdiction over the site.

Council is powerless to intervene on a privately certified site, unless:

- there is a significant threat to human life or safety
- or significant property damage or where the Certifier has exhausted all options to resolve the issue of non-compliance.

Council has a legal obligation to direct resident enquiries to private certifiers to address the issue. The lack of legislative power and action to address the concerns raised by the community on construction activity managed by private certifiers is enormously frustrating.

The Private Certification system lacks community support and continues to be poorly understood by the community which is exacerbated by Private Certifiers who fail to engage adequately with neighbours to discuss their concerns. The system places significant resourcing pressures on Council's to educate/mediate and resolve concerns raised.

The above recommendations will address each of these concerns and provide a more robust and transparent process for the community.

Ku-ring-gai Council

Reforming the private certification system

That Local Government NSW advocates for the NSW Government to make the following reforms to the NSW private certification system:

1. As a timely, efficient and cheaper means of invalidating improperly issued certificates, councils are given the administrative power to declare a certificate issued by a private certifier as invalid. A right of review of such decisions to be exercised by the NSW Civil and Administrative Tribunal (NCAT), with court proceedings limited to judicial review of legal error.

2. Change the way in which private certifiers are appointed. Instead of allowing the developer to handpick their private certifier, the developer is offered a small range of local options to choose from a randomised pool.

Note from Council

The NSW Government introduced the private certification system in 1998 to streamline development and building approvals. Potential developments within a certain threshold were no longer required to be assessed by local government. Rather, developers were allowed to select a private certifier of their choice to review and approve development plans then issue a Complying Development Certificate (CDC). One benefit of private certification is that it speeds up the development process and reduces compliance costs by bypassing resourcing bottlenecks experienced by local government. However, the private certification system also brings its own disadvantages.

An issue raised by residents is the questionable neutrality of private certifiers when they are picked by the developer. The perception is that some private certifiers will work for the benefit of the one who pays them, and this may result in non-compliant certification, whether it be issues tied to overlooking structural integrity, breaches of the allowed bulk and scale of the development, the incursion of private property boundaries, or other clear breaches of development controls. Private certifiers may even be reprimanded and fined multiple times, yet not have their accreditation affected.

Local government has no ability to invalidate a CDC issued by a private certifier. The only lawful means of invalidating a CDC is by way of Class 4 injunctive proceedings in the NSW Land and Environment Court, which is an expensive and drawn-out process. By the time of hearing a Class 4 proceeding, the amount of time that has elapsed can lead to a discretion being exercised by the judge in favour of declining relief due to the potential damage that would be suffered by persons who have relied on the validity of the certificate. It is therefore desirable that any defective certificates be weeded from the system quickly.

Lane Cove Council

Using technology to improve probity for private certifiers in NSW

That Local Government NSW:

1. Calls on the State Government to create one central system that randomly selects Private Certifiers for the customers to obtain quotes from, to offer communities an unbiased, efficient, flexible and transparent service; and
2. Requests that the system be made available through the Department of Fair Trading website and allows customers to obtain a list of certifiers generated at random for the customer to obtain quotes from.

Note from Council

Private certifiers are an essential service, but probity and trust need to be addressed and the use of technology to improve probity in the building certification process will enable transparency.

The centralised system would be developed in collaboration with all levels of Government and industry to:

1. Achieve Government aims in the way private certifiers are selected
2. Disrupt the nexus between developers and favoured certifiers
3. Offer communities an efficient flexible and transparent service

The process of the proposed centralised system would leverage existing system and data, and follow the following workflow:

1. Visit the Department of Fair Trading website
2. Obtain a list of certifiers, generated at random
3. Request quotes from the allocated list
4. Engage a certifier from the list
5. Lodge application on the NSW Planning Portal

The indicators of success for the system will be reduced complaints about certification process, increased use of small business certifiers and increased variety of certifiers used by large developers.

The overall aim of this Motion is to gain visibility from end-to-end to achieve trusted outcomes. A transparent framework that is co-designed by all levels of Government and Industry which addresses probity, improves customer services, creates fair opportunities, increases integrity and clarifies roles and responsibilities.

83 Federation Council

Planning resources

That Local Government NSW lobbies the State Government for financial support for planners and building surveyors at a local government level throughout NSW.

Note from Council

The continued increased workload of the significant and ongoing NSW Government Planning Reform program needs to be recognised by the State Government and better solutions provided.

It is acknowledged that the State Government are at least aware of the problem mainly thanks to significant lobbying by local government. However the support offered has not been sufficient and in some cases effective.

84 Muswellbrook Shire Council

Rationalise house block sizes in rural NSW

That Local Government NSW advocates for a minimum 600 square metre area for housing blocks in rural NSW.

Note from Council

Smaller housing blocks are negatively impacting on the attractive, liveable character of rural towns.

85 Penrith City Council

Controls to manage clustering of boarding houses and co-living housing

That Local Government NSW writes to the Minister for Planning and Public Spaces requesting that the provisions of the State Environmental Planning Policy – Housing 2021 (the Housing SEPP) be amended to include controls that:

1. Prevent the clustering of boarding houses and co-living housing across all residential zones; and
2. Strengthen locational requirements of boarding houses and co-living housing to ensure occupants have good access to public transport and essential services.

Note from Council

Penrith City Council is concerned about the clustering of boarding house and co-living housing development, particularly in the R3 Medium Density Residential zone where this dwelling typology has had the most uptake in recent years. Clustering of boarding house and co-living development has the potential to result in cumulative amenity impacts and can strain existing services and infrastructure.

Over the years, Council has received numerous representations from concerned residents regarding boarding house development within residential zones. Council has consistently advocated for the community by seeking State-level responses to prevent the clustering of

boarding houses (now also known as co-living housing) and to provide an elevated level of amenity to neighbouring occupants.

Council made amendments to Penrith Development Control Plan (DCP) 2014 in December 2018 and again in September 2020 to secure improved amenity and development outcomes for boarding house development. In the absence of a State Government policy response, Council is investigating further amendments to its DCP to strengthen locational requirements for boarding houses and co-living housing. However, as the provisions in the Housing SEPP prevail over local planning controls, Council has limited capacity to prevent the aggregation of boarding houses and co-living housing.

It is acknowledged that the DPE has made several amendments to the Housing SEPP to address concerns about the compatibility of boarding house development in low density areas. Notwithstanding, stronger provisions are required across all residential zones to avoid potential clustering and any resulting amenity impacts.

86 Wollongong City Council **Regulating derelict buildings - employment zones**

That Local Government NSW works with DPE to establish best practice policy parameters that support councils to enhance employment zoned areas, particularly where buildings have been left to deteriorate and are negatively impacting economic activity.

Note from Council

There are no levers (other than pedestrian safety, managing fire risk and/or the presence of vermin in neglected and derelict properties) that a council can use to require property owners to keep their properties in a state of repair and basic presentation consistent with surrounding properties and streetscape. Neglected properties negatively impact on the streetscape and appeal of many main streets where the community and business owners are otherwise working to improve the attractiveness and viability of commercial areas. This is particularly problematic in retail precincts.

87 Woollahra Municipal Council **Pubs**

That Local Government NSW:

1. Notes that:
 - a. pubs are significant and cherished meeting spots, recognised as a valuable 'third space' providing venues for social connection and companionship;
 - b. pubs add to the personality and social fabric of their neighbourhoods and are recognised for their cultural, heritage and architectural significance; and
 - c. communities articulate the sense of belonging and reciprocity lost when change of use applications are approved.
2. Resolves to:
 - a. raise with the State Government and in particular, the Heritage Minister, community concerns over the growing trend of conversion of heritage listed pubs;
 - b. request the State Government explore legislative reforms to better protect pubs from a change in use; and
 - c. request the State Government increase funding and availability of grants to study the heritage, cultural and social significance of pubs throughout NSW.

Note from Council

Community groups are increasingly galvanising to protect their neighbourhood pubs.

Internationally, the increasing trend of pub conversions has seen the introduction of legislation in the United Kingdom to better protect pubs as 'Assets of Community Value'. In addition, the Mayor of London, Sadiq Khan established a 'Culture and Community Spaces at Risk' Office to support and protect community spaces, including pubs.

Such models could be investigated as a means to better protect these iconic institutions and ensure their longevity.

88 City of Newcastle

Accelerated development application system

That Local Government NSW:

1. Acknowledges the successful development, trial and roll-out of the new City of Newcastle Accelerated Development Application System, the implementation of which has the ability to reduce processing times for eligible development applications to within five to 15 days.
2. Notes that the Accelerated DA pathway presents an innovative approach to facilitating timely development outcomes, with some of the onus on the applicant to provide a quality submission that reduces the double-handling of information and speeds up the process, while still ensuring applicants are able to expect the same standard of professional review for each application seen by the assessment team.
3. Calls on the NSW Government to fund the state-wide adoption of the system to streamline and accelerate determinations of development applications across the local government sector.

Note from Council

City of Newcastle (CN), via the Regulatory, Planning and Assessment (RPA) team, has created and introduced the ADA System to streamline the determination of low-risk decision ready Development Applications (DAs).

The Accelerated DA System presents an innovative approach to facilitating timely development outcomes, with some of the onus on the applicant to provide a quality submission that reduces the double-handling of information and speeds up the process. It still ensures that applicants are able to expect the same standard of professional review for each application.

Only simple, decision ready and low risk DAs are eligible to be assessed under the ADA System. All other DAs are assessed and determined via CN's existing processes.

The ADA System provides three new lodgment pathways for simple, decision ready and low-risk DAs to be identified and determined, as outlined below:

- a. Authorised Consultant Pathway – 5-day determination timeframe.
- b. Lodgment Ready Pathway – 10-day determination timeframe.
- c. Well-made Pathway – 15-day determination timeframe.

A successful trial of the ADA System occurred between 12 May to 31 August 2022 with 89 low-risk DAs determined with an average processing time of 5.8 days. The ADA System formally launched on 1 October 2022.

89 Penrith City Council**Review of section 10.7 certificates**

That Local Government NSW advocates to the NSW Government to undertake a review into Section 10.7 Certificates, to explore opportunities to simplify and ensure only relevant information to each property is provided in a clear, concise and easy to understand format.

Note from Council

Council notes the Department of Planning and Environment has recently undertaken a review, however despite this Council is aware of a number of instances where complex information has been interpreted incorrectly by residents purchasing properties resulting in significant financial burdens being created where the property cannot be used in the manner it had been purchased before.

This motion seeks a review that results in a simplified certificate that presents all relevant information in an easy to understand format and that is specifically relevant to the property of which the certificate is applied for.

90 Narromine Shire Council**Rural and regional environmental autonomy**

That Local Government NSW requests the Minister for Planning and Public Spaces to vary the *Environmental Planning and Assessment Act 1979* to allow more autonomy for Rural and Regional Councils to operate in a manner that suits their local environment rather than that of a metro area.

Note from Council

Ensure that legislative requirements allow for a more flexible approach in regional areas vs metro areas.

91 Lake Macquarie City Council**Local leadership of community consultative committees**

That Local Government NSW calls on the NSW Government to prioritise the appointment of Community Consultative Committee (CCC) chairpersons from within the geographical region that the CCC operates.

Note from Council

Community Consultative Committees are a forum for discussion about matters relating to particular State significant projects. CCCs perform an advisory and consultative role, with community members representing the interests of those who live, work, own land or use the areas affected by the projects. Many CCCs are formed to consult about operations related to mining and associated industries.

As Australia moves towards more sustainable energy sources to achieve its net zero emissions reduction targets, these CCCs will increasingly become involved in consideration of the significant economic, environmental and social challenges this transition presents. The appointment of chairpersons who have both industry expertise and substantial knowledge of the relevant local communities will ensure the interests of those communities are effectively represented.

Currently, CCC chairpersons are selected by the Planning Secretary from a pool of suitable candidates compiled by the Department of Planning and Environment (DPE). These candidates are identified for their credentials in community relations and facilitation, knowledge of government regulatory requirements and experience in managing stakeholder

committees, but knowledge of the local area is not a prerequisite. This can result in chairpersons from metropolitan areas chairing regionally focused projects and vice-versa.

Locally based chairpersons are likely to have a greater knowledge of the local communities, the challenges they face and the best way to engage with these communities, as well as being more accessible to the community members of the CCC.

92 Goldenfields Water County Council

SEPP approval agency - County Councils

That Local Government NSW advocates that County Councils be recognised as a concurrent 'Approval Agency' within the State Environmental Planning Policy (Infrastructure)/(ISEPP) in relation to the services detailed under their individual proclamations.

Note from Council

Through an historic approach of seeking efficiencies within amending state planning legislation, County Councils have been neglected and unacknowledged as a Public Authority to be consulted with. As such, there is currently no mechanism in the development assessment process that mandates the referral of development applications to NSW County Councils for consultation and concurrence where the proposed development may impact on the functions of a County Council.

The effect of this, is that development applications, and/or developments not requiring consent are referred to County Councils on a discretionary basis. This has and continues to result in sub-optimal outcomes and undermining the ability of the County Councils to carry out their functions efficiently and effectively.

93 Murray River Council

Local planning decision making for land rezoning

To reduce considerable time delays to residential land rezonings, the NSW Government should review and amend the Concurrence and Referral SEPP to remove DPE as a concurrence authority for any residential land rezoning (planning proposal) that is identified within the council's approved/adopted local housing strategy.

Separate but additional approval/concurrence procedures are already in place when DPE is reviewing and approving/endorsing councils' local housing strategies; the current requirement for DPE concurrence for planning proposals is effectively doubling up on assessment of local land rezoning processes and adding considerable time delays with no perceived value-add to the process.

Note from Council

Australia is currently facing a housing affordability and availability crisis, noting that the migration of city residents to regional NSW is adding additional pressure on Councils for the provision of adequate supply of residential land products.

As NSW's population continues to grow and migrate to regional areas, it is imperative that we have robust planning systems in place to accommodate this growth. Yet, the current standardisation of processes in the NSW planning system is resulting in a city-centric approach that is leaving regional councils feeling frustrated, unsupported and is resulting in stagnated housing outcomes.

Processes and systems in the NSW planning system for land rezoning, have become significant challenges for regional areas, where concurrent approval from the DPE has created time delays in residential rezonings for logical expansion of regional townships. The majority of these logical rezonings are occurring on:

- Low hazard areas from flooding/bushfire
- Previously been farmland holdings where the land has already been identified for residential development linking to existing residential estates and trunk infrastructure.
- Infill development sites that have been identified for residential development strategically for 20+ years.
- Greenfield areas in flat regional areas.

While efficiencies and cost saving measures at a top-level are important, they should not come at the expense of progressive and sustainable development locally. We need a more bespoke approach that considers the unique needs and characteristics of each region, rather than relying on generic check-list exercises applied uniformly at the state level. This would unlock development potential to meeting the NSW Governments aggressive housing agenda, without necessarily adding any risk if the land has been through a community process and featured/supported in a Council Local Housing Strategy.

Speaking Points:

1. Murray River Council and a lot of other NSW Regional Councils have a number of suitably unzoned residential land awaiting to be activated. Many Councils would experience the push or squeaky wheels from various developers to have their farmland rezoned to residential where the land is not profitable to remain as farmland and is adjoining existing residential land estates.
2. Currently, any land rezonings are required to be referred to DPE for concurrence approval, even though past strategies (some already DPE approved) and the local housing strategy have already identified this land for future residential development.
3. A gateway determination for land rezoning can take up to 12 months to get through the process with DPE applying a 'detailed Lense' to their assessment, which would usually be done by Council at the Subdivision DA stage of the process.
4. Council believes that DPE are adding very little value to the process for straight forward expansions of residential areas in identified growth corridors, where Councils are responsible for most of the risks associated with land development, which is unduly delaying land being rezoned for up to a further 12 months.
5. I urge all Councils to support Murray River Councils request to resolving a long-standing issue that will benefit every regional council and meet the NSW government's Housing 2042 agenda and provide Councils with rezoning powers.

94 City of Canterbury-Bankstown Council

Land and environment court leave to rely on revised plans

That Local Government NSW lobbies the Minister for Local Government to call upon the Land and Environment Court to adhere to its own Practice Note when considering applications for revised plans prior to hearing.

Note from Council

Councils are increasingly faced with the Court allowing revised plans to be relied upon which are put before the Court on the eve or day of the hearing after experts have already finalised reports in contravention of the Court's Practice Note (PN). The PN rules regarding revised

plans limits applicants in how many amendments they may have and the circumstances in which they are granted. By allowing revised plans outside the PN rules, the Court is inviting applicants to ignore the PN. This has the potential to encourage appeals where amendments via traditional means take longer.

Applicants may not lodge an appeal with the Court until the lapse of 40 days after the Development Application was lodged. The Environmental Planning & Assessment Act 1979 itself assumes that a Council should have at least 40 days to review revised plans. In contrast, Councils are seeing a trend towards the Court giving Council mere hours, perhaps a day at most, to assess revised plans.

In many cases the revised plans are at significant variance to the originals. Objectors are unaware of the revised plans, therefore potentially compromising their original proposals rendering them objectionable. The consequences of the Court's current approach include undue consideration of the revised plans due to time constraints and resourcing; invalidating the reports and the expert evidence the Court receives; a heightened risk of error discovered at the Construction Certificate stage requiring amendment and further time, including Court time, to correct.

95 Eurobodalla Shire Council

NSW planning portal

That Local Government NSW calls on the NSW Government to:

1. Repeal the requirement to prepare notice of determinations in the NSW Planning Portal immediately and instead require a standard format for development consents and conditions of consents.
2. Prepare a road map for the Planning Portal in consultation with NSW local government and vendors, ie, Tech 1, Civica, etc. The roadmap must include the proposed functionality of the Portal that are to be investigated and implemented over time.
3. Establish a Planning Portal Governance Committee with senior representatives from local government to:
 - a. oversee and agree to an enhanced Planning Portal road map
 - b. review and endorse strategies for training and communication with key stakeholders, and
 - c. monitor ongoing costs and integration.
4. Retain the ePlanning Council Reference Group to focus on improvements to Planning Portal functionality with enhanced capacity for members to add agenda items.
5. Cover all costs incurred by councils to implement and operate the NSW Planning Portal, including staff costs, systems and process amendments, Application programming interface (API) development, maintenance, and licensing in order to avoid the cost shift and adverse impact on council budgets.

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

Note from Council

On 1 July 2021, councils were mandated to use the Planning Portal by the NSW Government despite previous commitments that the use of the Portal would be optional. This has resulted in significant adverse cost and efficiency impacts on councils and communities.

That Local Government NSW advocates to the NSW Government for impactful and significant changes to the NSW Planning Portal to ensure councils can meet the statutory obligations under the Environmental Planning and Assessment Regulation 2021, with minimal impact on resources and for the purpose of enabling delivery of quality customer service.

Note from Council

The Environmental Planning and Assessment Regulation 2021 created a new obligation on councils to not only have a register of all Complying Developments but to also make available on its website certain approved documents. Due to the format of documents uploaded to the Department of Planning and Environment's NSW Planning Portal, additional Council resources are required to manually remove sensitive records (eg. personal information, residential floor plans) before making this information available in accordance with Part 11 of the Regulations. This motion is seeking LGNSW advocacy for changes to the NSW Planning Portal to allow documents to be uploaded in a format that is suitable for not only the Planning Portal, but also council websites, without requiring additional resources to manually protect, alter and vet documents.

That Local Government NSW calls on the NSW Government to fund the development and implementation of integration platforms between the NSW Government Planning Portal and local government document management and application systems.

Note from Council

In June 2020, the NSW Government passed amendments to the Environmental Planning and Assessment Amendment (Planning Portal) Regulation 2020. The amendment made the NSW Planning Portal mandatory for all councils for the lodgement of certain planning applications, the assessment of those applications and the issue of any relevant consents and complying development certificates. Through the NSW Government's ePlanning Program, further application types and development processes continue to be implemented in the Planning Portal.

There is currently limited or no integration between many councils' document management and application systems and the NSW Government Planning Portal. The NSW Government has developed a platform that does not integrate with councils' established technology and does not meet privacy legislation requirements as a stand-alone system. The extra cost to operate this system has been transferred to local government.

Where integration has been implemented, at the time and cost of local councils and their ratepayers, regular issues occur with the Planning Portal and integration systems, adversely affecting operations and the ability of local councils to undertake their regulated duties in lodging, assessing and determining applications.

It is acknowledged \$80,000 of funding was made available in 2022 to councils who were implementing an Application Program Interface (API). The effectiveness of this funding has been limited and significant integration remains for the application types already implemented by the NSW Government. Many councils have been forced to employ additional administrative staff to operate this mandated system.

Future applications and processes are intended to be rolled out through the NSW Government ePlanning Program. Additional funding is needed to support the full development and implementation of integration platforms between the Planning Portal and local government document management and application systems.

That Local Government NSW strongly and urgently lobbies the NSW Department of Planning and Environment to undertake meaningful engagement with Councils on the current and future stage roll-out of the NSW Planning Portal, noting that changes and amendments have led (and continue to lead) to ratepayer cost imposts for Councils to meet shifting requirements. Further, advocacy to the Department be undertaken to fund any and all future implementation across Councils at no additional expense to ratepayers.

Note from Council

The implementation of the NSW Planning Portal, commenced in 2013, has moved to create a vital and needed single point for planning applications and development assessment outcomes. The Department flagged mandating of its use in development applications in 2019, for a proposed completion in 2020/21.

The implementation has not been without its challenges, and in 2022 the NSW Audit Office released its report noting that the Portal programme has been ongoing for 10 years (3 years longer than expected) to implement and will have incurred a total taxpayer funded capital spend of \$146 million, which is \$38.5 million more than initial business case projections. It should be noted that these capital costs did not include the total ratepayer funded spends incurred by Councils to implement and integrate the Portal across each 128 local government entities, which would equate to significantly greater overall costs.

Changes to the formatting, as simple as changing the layout of reasons for conditions, has led to significant costs being incurred by Councils to have enterprise systems and middleware software altered to enable required communications between our databases and the NSW Planning Portal. There is no doubt that each change (however seemingly insignificant) has incurred significant cost to each Council in NSW, and to ratepayers overall across the State.

Successful, timely and financially responsible delivery of the portal is crucial to ensure that the reputation of Councils and the Department are maintained into the future. To ensure that the Department can deliver this valuable programme without creating ongoing impost to local communities, it is pertinent that a formal and final roadmap is released that gives Councils certainty over consent, post-consent and planning information components, as well as allocating adequate funding to Councils to achieve implementation without having to further utilise ratepayer monies. Furthermore, adequate funding and resourcing must be made available to the Department to ensure a managed program of continuous improvement throughout the life of the Portal.

96 The Hills Shire Council Review of LG Reg (home estates, caravan parks, camping and moveable dwellings)

That Local Government NSW calls on the NSW Government to review the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021, taking into account feedback from regulators and businesses.

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

Note from Council

The current Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (the Regulations) have evolved since the introduction of Ordinance 71 in October 1986, with few changes in the content or structure of the regulations.

The Regulations control the use of moveable dwellings in caravan parks and manufactured home estates, however, the uses are interchangeable and this creates a complex framework which is difficult for operators to navigate.

The Regulations require operators to provide water complying with the Australian Drinking Water Guidelines 6 for human consumption and domestic purposes. Drinking water is also regulated by NSW Health under the Public Health Act, which allows for sign-posting of non-complying water. The differences between the two requirements creates confusion.

Following the Hawkesbury–Nepean floods in 2020, 2021 and 2022 it became evident that many park users were unable to attend the sites to remove their vans before the floodwaters arrived and park operators were unable to move all caravans or rigid annexes from the floodwaters. Alternatives, such as requiring long-term caravans and annexes to be tied down should be considered.

Caravans and cabins in long-term caravan parks tend not to be moveable. A review of the Regulations could address this matter, either ensuring that they remain moveable or permitting moveable dwellings to remain if adequately anchored.

Tweed Shire Council

Caravan parks

That Local Government NSW writes to the Honourable Minister Scully and requests:

- a. Support to prohibit caravan parks in rural zones with other forms of tourist accommodation still permissible on merit;
- b. Implementing a state government body to help overhaul the caravan park industry similar to NSW Food Authority or NSW Health. A government body is also needed for Moveable Dwellings Outside of Caravan Parks, and Manufactured Home Estates;
- c. An overhaul of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021, with different requirements for 'permanent living' caravan parks versus 'tourist accommodation' caravan parks.

Note from Council

Tweed like most Councils has problems with the Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (the 'Regulation'). It is no longer fit for purpose. Tweed and the Northern Rivers is currently experiencing a problem with either existing traditional caravan parks or new caravan parks being developed into unapproved housing estates under the Regulation. People are using exemptions under the Regulation to live in caravans and other moveable dwellings on private properties with few or no options to assess bushfire, flood, public health air pollution from airports, or pollution risks.

Manufactured home estates that are akin to residential subdivisions are being developed under the Regulation, which was not created for that purpose.

Caravan Parks were once used predominantly for tourist accommodation, with some longer-term living. With housing affordability and shortage challenges over the past two decades, many caravan parks have evolved from tourist accommodation into permanent living locations. Some caravan parks in highly sought after locations continue to operate as tourist accommodation, and these are generally well run and not part of the current concern. Tweed currently has 35 active caravan parks with some 4% of our population now residing in these parks. Fewer and fewer are being utilised for tourism. Most are legacy developments that sit within the floodplain and the most affected and displaced persons from the 2022 floods were from these sites. The eight caravan parks in flood prone Chinderah are examples of caravan parks evolving into permanent living locations.

The general change has been gradual over time and has not been approved under the *Regulation or the Environmental Planning and Assessment Act 1979* (the EPAA). There may be a stigma with permanent living in a caravan park. There is a high proportion of permanent occupants who wish to change the look of their caravan into a home. Common changes include removing drawbars and wheels, and building structures over and around the caravan to make it look like a home.

There is a high proportion of non-compliance at sites in caravan parks in Chinderah, including short term sites being used for long term occupation, unapproved structures, and greater than 65% roof structure site coverage. There is interest in the development industry to create or expand caravan parks to fill the housing affordability and housing shortage gap. Council currently has: A Development Application (DA23/0302) for a caravan park with 112 long-term site at 1126 Pottsville Road, Pottsville. In the last year Council had a pre DA lodgment meeting (Development Assessment Panel meeting) for alterations and additions including expansion of The Palms caravan park at Dry Dock Road (approved as 240 long term and 10 short term sites) from a residential land-lease community with the intent of targeting the over 50s market, and a proposed caravan park (264 long term and 30 short term sites) to the north of Pottsville on RU2 (Rural Landscape) zoned land.

The Regulation has changed very little over the past 28 years (from the Regulation 1995) when it largely regulated tourist accommodation. It is not an effective tool for regulating predominately permanent living to fill the housing affordability and shortage gap. Case law has determined that a caravan park by definition can comprise of (for example) 300 manufactured homes provided there are 8 caravans on site. This can result in developers lodging DA's for a 'caravan park' on rural land comprising of 300 manufactured homes and 8 caravans on site, where manufactured homes are prohibited. The sites are often not serviced by water or sewer, affected by bushfire, and affected by flooding. Having caravan parks permissible in rural zones gives false hope to developers and can result in long lengthy appeals in the NSW Land & Environment Court. The Regulation is written for short term accommodation (for example it requires the provision of ironing boards, irons etc.). Over time historic caravan parks have been unlawfully occupied by permanent residents due to the housing affordability and shortage crisis. There is no Government body to oversee the industry.

Tweed Shire Council

Moveable dwellings outside caravan parks

That Local Government NSW writes to the Honourable Minister Scully and request circulars to assist with interpretation of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

Note from Council

While Council is supportive of Section 77 of the Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021, it is poorly understood by Councils, and with no expertise in the NSW State Government to technically advise, Councils are struggling to understand and regulate the explosion of caravans and other moveable dwellings and 'tiny homes' on private properties. People are using exemptions under the Regulation to live in caravans and other moveable dwellings (very broad definition) on private properties with few or no options to assess bushfire, flood, public health, aircraft noise and pollution risks. This matter is getting a lot of media coverage at present, with a lot of negativity directed at Councils 'evicting' people from what they regard as their homes on private properties.

All Councils working independently to manage this matter and related challenges is irrational. An example of where an interpretation is required is under Section 77(b) of the Regulation the owner of a property with a dwelling on it can have caravan if the caravan is occupied by the owner in connection with owners dwelling. The caravan must be occupied in a safe and health condition. What does 'in connection' mean? Is this immediately next to the house, or can it be 200 m away? How does Council practically determine 'members of the owner's household'? What about tiny homes, same day granny flats and similar structures? Can they be brought onto a site and left there forever under Section 77(1)(b). Can a landowner use all the provisions under Section 77 concurrently to have multiple

caravans/moveable dwellings on the property at the same time? Make it clear that 77(d) can only be used for registerable moveable dwellings (for example a caravan) and provide certification from Service NSW of this, including chassis number or similar.

Tweed Shire Council

Manufactured home estates

That Local Government NSW writes to the Honourable Minister Scully and requests:

- a. A review of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 to remove the loopholes that allow permanent manufactured homes in areas where they are otherwise prohibited;
- b. A review of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 and work with industry and councils to develop small village controls where land tenure exists and national construction standards can be enforced while meeting contemporary manufactured home estate living;
- c. A review of the SEPP Housing 2021 provisions for caravan parks with a view to properly distinguish a caravan park from a manufactured housing estate.

Note from Council

Tweed like most Councils has problems with the Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (the 'Regulation'). It is no longer fit for purpose. Tweed and the Northern Rivers is currently experiencing a problem with either existing traditional caravan parks or new caravan parks being developed into unapproved housing estates under the Regulation.

People are using exemptions under the Regulation to live in caravans and other moveable dwellings on private properties with few or no options to assess bushfire, flood, public health air pollution from airports, or pollution risks. Manufactured home estates that are akin to residential subdivisions are being developed under the Regulation, which was not created for that purpose. Manufactured home estates have changed significantly since the 1995 Regulation. In 1995 they were actual manufactured homes (built in factories, transported to sites), which were affordable. Advanced, modern and efficient construction methods and techniques have enabled the manufactured home to resemble a standard dwelling house.

The development industry is now using the Regulation to deliver manufactured homes that are in effect houses, at costs similar to house and land packages on freehold land. The development industry pressures Councils to support the variation to the Regulation 'build on-site' via the Section 82 Local Government Act 1993 objection/concurrence process. Further evidence that these structures are houses.

The State Government provides no direction or opinion regarding such proposals. A manufactured home is defined under the Local Government Act as: "A manufactured home means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling - a. that comprises one or more major sections, and b. that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the Road Transport Act 2013, and includes any associated structures that form part of the building."

The only differentiation between a manufactured home and the in situ standard construction of a dwelling is part a) of the definition that requires the manufactured home to comprise at least one major section. To give practical meaning to this, it means that the dwelling has to have a major part of it constructed/assembled prior to it being placed on its final site. Another issue is that the manufactured home estates are being constructed outside of the standard construction certification process under the EPAA that is in place for standard subdivision development for housing and infrastructure. There is a certification void for internal infrastructure provision. Council currently has:

- GemLife (a manufactured home estate with 110 sites) under construction.

- Up and coming DAP meetings include a proposal for a MHE at 117-147 Tweed Coast Road, Cudgen (approximately 33 ha). The development industry pressures Councils to support other variations from the Regulation via the Section 82 objection/concurrence process. These include lesser/no setbacks, and greater site coverage. The State Government provides no direction or opinion regarding such variations.

Emergency management

97 Bega Valley Shire Council

Local Emergency Management Officers

That Local Government NSW calls on the NSW Government to use funds allocated to the NSW Reconstruction Authority to fund executive level Local Emergency Management Officers (LEMOs) to ensure that our communities are better prepared for and protected during emergencies.

Note from Council

Over time the expectations from the State Government and the community on local government related to emergency management have increased yet there are not the resources available to meet the needs for emergency management planning, response and recovery.

Under the State Emergency Response Management (SERM) Act Councils have been given two key un-resourced responsibilities. The first of those is to convene a Local Emergency Management Committee (LEMC) which has broad responsibilities relating to planning for and managing during emergencies. The second is to employ a Local Emergency Management Officer (LEMO) which has defined responsibilities under the act.

Council resourcing and support of emergency management is highly variable. In many cases in rural and regional areas the LEMO role is tacked on to the responsibilities of another employee of council, sometimes a lower-level officer role and other times to an already overstretched executive team member role. In reality the responsibility should sit much closer to an executive level role. The function should report directly to the General Manager/CEO who has legislative responsibility for chairing the LEMC.

98 Bland Shire Council

Council co-contribution to disaster grant funding to improve assets

That Local Government NSW:

1. Applauds the actions of the Government in permitting the use of additional funds sourced from Councils to improve assets as part of the most recent flood emergency.
2. Seeks a commitment from State and Federal Government agencies to review Disaster and Emergency funding criteria for expenditure to allow Council co-contributions to improve assets damaged during critical events.

Note from Council

Current funding for disaster and emergencies, in general, only allows for councils to repair affected assets to the pre-disaster conditions. In some instances, improvement in conditions is explicitly prohibited. Allowing councils to contribute their own-source funds to be utilised in conjunction with disaster relief funding for the purposes of improvement or betterment of the condition of the assets would be more beneficial for communities.

That Local Government NSW lobbies the Commonwealth Government to fast-track initiatives from the Hazards Insurance Partnership and Strategic Insurance Project, and urgently investigate a federally funded national disaster insurance scheme to offer residents and businesses impacted by trending environmental conditions, protection and access to affordable insurance premiums.

Note from Council

Natural disasters are becoming more frequent and intense due to climate change making insurance premiums unaffordable.

The Hazards Insurance Partnership, announced in February 2023 was developed to establish a work-plan to ensure that the Australia Government and insurance industry were collectively working to ensure Australians have access to affordable and appropriate insurance. Comparably, the Natural Disaster Insurance Review was commissioned by the Treasury following the 2011 floods in Brisbane's. The Review focussed on insurance arrangements for individuals and small businesses for damage and loss associated with flood and other natural disasters. The Inquiry examined ways to ensure that individuals and communities at risk of extreme weather events are aware of the risks but are able to obtain suitable protection against those risks, including having access to insurance.

27 recommendations related to mandatory flood insurance and the flood reinsurance pool and later this led to the establishment of a \$10 billion taxpayer-backed underwriting scheme in northern Australia.

The Northern Australia reinsurance pool underwrites 880,000 residential and small business property insurance policies for the risk of cyclone and related flood damage.

That Local Government NSW calls on the NSW Government to extend the Community Assets Program and Resilient Homes Package funding to LGAs affected by the flood events in September and November 2022.

Note from Council

The \$70M Community Assets Program provided a firm commitment of support to councils in disaster declared areas after the severe weather events in February and June 2022.

The package was intended for damaged community infrastructure not classed as essential public assets. Similarly the \$700M Resilient Homes Program was developed to improve the resilience of homes in high-risk flood areas in the Northern Rivers local government areas.

An important component of this program includes home buybacks. Communities in central west NSW suffered catastrophic devastation by flood in September and November 2022, resulting in the loss of lives and homes, businesses, livestock, grazing land, crops, machinery and infrastructure damaged, destroyed or lost. There is a reasonable expectation that these funding programs are extended to these local government areas and communities.

That Local Government NSW advocates that the NSW Government take steps to ensure the fast-tracking of natural disaster payments to councils so the councils cash flow is not negatively impacted and it can maintain its legislative financial statement requirements.

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

Note from Council

The delays in assessment and payment of disaster claims related to storm and flood events negatively impact on councils' net cashflow and level of cash and investments held by the council. The decline in cash resources can severely impact on council's ability to meet its day-to-day commitment and on its ability to fully fund its internal restrictions.

The Local Government Act and Regulations require a significant portion of councils cash balances to be restricted for the purposes defined in its Financial Reserves Policy, including:

1. Externally Restricted Reserves which are created and held because of a legislative or other binding contractual requirement governing the use of the funds. These funds must only be expended for the specific purpose defined and cannot be used by the council for any other purpose.
2. Internally Restricted Reserves are funds that the council has determined are to be used for specific purposes. The council may resolve to change the purpose of these funds.

The time lag between undertaking recovery works, lodging the disaster claims and receipt of the funding meant that council utilised cash resources set aside as Internally Restricted Reserves, as a temporary measure to continue funding the day-to-day operations of council with the Internally Restricted Assets eventually replenished when the funding claims were settled.

In Cabonne Council's case it was unlikely that many recoverable amounts were going to be received by 30 June 2023 which led to the council reporting a significant reduction in cash reserves in its Audited Financial Statements whilst at the same time reporting a substantial increase in receivables.

Forbes Shire Council

Upfront payments of flood damage repair expenditure

That Local Government NSW lobbies the NSW Government to pay upfront at least 50% of flood damage claims when they are submitted to ensure that rural councils are not forced to use their limited operating capital to fund repair works.

Note from Council

Forbes Shire Council, along with many rural councils, was severely affected by the 2022 floods. Council incurred in excess of \$14m of damage to its asset network as a result of this natural disaster and has had to significantly increase its road maintenance crews to address the extensive road damage across the shire.

Forbes Shire Council commenced repair works not long after the November flood, and as at 30 June 2023 had funded more than \$6.68m worth of flood damage works on the State, Regional and Local network from its own operating capital. The State Government did forward a \$2.5m prepayment as a result of lobbying by Council, which helped reduce the financial burden, however, works completed by February 2023 on the State network had still not been reimbursed as at 30 June 2023. These extreme delays in payment have put significant strain on Council's finances.

The excessive timing delays between claim submission lodgment and claim payment receipt from Transport for NSW, as well as the overly onerous reimbursement reporting requirements placed on councils, means that councils like Forbes Shire are being forced to carry the financial burden of both climate events and bureaucratic excess outside of their control.

The NSW Government has the responsibility and capacity to pay councils, and their ongoing failure to meet their obligations threatens councils' capacities to provide the essential repairs our regions need to rebuild our local economies and communities.

102 Kyogle Council

NSW Reconstruction Authority - quarries

That Local Government NSW requests the NSW Reconstruction Authority to use its powers to temporarily remove restrictions on truck movements and extraction rates for all quarries within their currently approved extent of extraction, for a limited time of say up to 24 months after a natural disaster when the materials are being used for restoration of essential public assets.

Note from Council

The quarry materials needed for the flood recovery program in the Northern Rivers region currently exceeds the approved capacity of the quarry resources in the area. There is still a very real risk that this issue will lead to the need to cease the infrastructure rebuild. There have already been areas where Council had to divert resources away from an area because a quarry has had to stop supply due to extraction limits, and move to another area where resources were available.

Council officers are being asked by the NSW Government agencies to simply ignore the regulatory requirements, which places the risk on those at the lowest level in the regulatory structure. This is unacceptable and staff have been asking the NSWRA to use their powers to temporarily remove restrictions on truck movements and extraction rates for all existing approved quarries across the region, within the approved extent of extraction. If this was done for even a short period of say 12 months, this buys time for the various quarry operators to put in place formal ongoing DA variations to cover the period required to service the remainder of the flood reconstruction process.

103 Penrith City Council

Clarity on processes about establishment of new flood planning levels

That Local Government NSW calls on the NSW Government to provide clarity regarding the risk management framework, timeframes, priority catchments and consultation process, for the establishment of new Flood Planning Levels in accordance with Recommendation 18 from the 2022 Fuller/O'Kane Inquiry.

Note from Council

Recommendation 18 of the 2022 Fuller/O'Kane Inquiry called on the NSW Government to adopt a risk-based approach to calculating the Flood Planning Level for planning purposes and, through the NSW Reconstruction Authority (NSWRA), immediately start a process of revising all Flood Planning Level calculations in the State's high-risk catchments. It also recommended that Flood Planning Level re-determinations for all high-risk catchments be completed within 3 years, acknowledging that these revised Flood Planning Levels will need to be factored into all development applications (in-progress and new) in those catchments. Until such time as these levels are re-determined, development will continue to occur in the interim, based on existing Council and State policy – therefore it is critical that the revised

Flood Planning Levels are clear, formed through genuine consultation, and determined in a timely manner.

The Inquiry found that in working out a tolerable, risk-based Flood Planning Level, consideration should be given to the PMF, 1% AEP, 0.02% AEP, existing development, approved but not yet constructed developments, and existing and approved but not yet constructed evacuation routes. In coordinating this Flood Planning Level re-determination process, we call on the NSWRA to work closely with local councils, DPE, communities, State water authorities and State and national engineering and research organisations.

The NSW Government has indicated that it supports in-principle Recommendation 18, but that further work is required on implementation. We call on the Government to provide timely clarity and certainty on the risk management framework, timeframes, priority catchments and consultation process, for the establishment of new Flood Planning Levels.

104 Penrith City Council Role of the NSW Reconstruction Authority in emergency planning and recovery

That Local Government NSW calls on the NSW Government to provide clarity in the role and responsibility of the NSW Reconstruction Authority in the governance of emergency planning, preparedness and recovery including:

1. Clarity on the Reconstructions Authority's role in placing constraints on development, including in the setting of flood planning levels
2. The role of the Reconstruction Authority to engage with Councils to actively manage mitigation of constraints as appropriate.

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

Note from Council

Recent years have seen multiple significant natural disasters as well as an international pandemic impact New South Wales. Following this period, significant changes have been brought in by the State Government concerning the roles and responsibilities of both State and Local Government, and this has been accompanied by departmental changes within the State Government.

These changes have resulted in Local Governments having a lack of clarity on the responsibilities of the Reconstruction Authority. In order to ensure that emergency preparedness management response and recovery actions are undertaken efficiently and effectively for our residents, Councils require that the role of the Reconstruction Authority in disaster preparedness is clarified.

Bega Valley Shire Council Purpose and future direction of NSW Reconstruction Authority

That Local Government NSW:

1. Seeks clarity from the NSW Government on the purpose and future direction of NSW Reconstruction Authority (formerly Resilience NSW).
2. Seeks clarity on how the various plans it has identified Councils will need to develop and reviewed on an ongoing basis will be funded.

Note from Council

Following an inquiry into the response to the 2022 NSW Floods, Resilience NSW was dismantled and the NSW Reconstruction Authority was established under legislation in November 2022. Both

departments were preceded by the Office of Emergency Management. The NSW Reconstruction Authority outlines that it is dedicated to facilitating disaster prevention, preparedness, recovery, reconstruction, and adaption to the effects of natural disasters in NSW.

Councils are key stakeholders and are seeking clarification from Government on how the NSW Reconstruction Authority will function moving forward and the resourcing allocated to implement the various plans it has committed itself and Councils to deliver including the NSW Recovery Plan, State Disaster Mitigation Plan, Local Disaster Adaptation Plans, Council Pre-Event Recovery Plans.

Environment, biodiversity, biosecurity

105 Willoughby City Council

Increased protection of trees

That Local Government NSW:

1. Urgently undertakes a review of the legislative regime for tree protection and seek increased penalties and deterrents, including increased fines and custodial sentences for the destruction of trees in NSW. The review should identify opportunities to better coordinate tree protection across NSW, along with improved education and awareness around the importance of tree protection to build stronger community support.
2. Advocates for effective reform to improve collaboration and coordination in education and enforcement to combat tree vandalism in NSW.

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

Note from Council

Illegal tree removal in NSW has been on the rise, leading to profound environmental, economic, and social consequences. Our submission aims to advocate for local government to work with relevant State Agencies and NSW Police to develop and implement a plan to effectively combat this issue.

Several current NSW State Government policies provide high level targets and related objectives to protect and enhance canopy cover. These policies include the Government's Priorities, the Greater Sydney Region Plan by the Greater Sydney Commission, the Sydney Green Grid by GANSW, as well as its Greener Places framework and Draft Greener Places Design Guide.

The Greater Sydney Commission, through the Greater Sydney Region Plan, A metropolis of Three Cities (March 2018) nominates a 40% urban tree canopy for the Greater Sydney Region. The plan establishes aspirations for the region over the next 40 years (to 2056). The Greater Sydney Commission district plans reference the NSW Government's target to increase tree canopy cover across Greater Sydney to 40%.

A key component of achieving a tree canopy of 40% across Sydney by 2056 is the legislative framework that protects trees, along with the penalties that deter individuals from breaking these laws and destroy or vandalise trees.

Illegal tree destruction is on the rise in Willoughby, with perceived increased land values and new development the temptation to increase views or build more floor space is increasing.

The most recent incident in Willoughby which occurred in Willowee Road in Castle Cove saw the destruction of over 265 trees across 3,600 square meters in June or July 2023. The

vegetation was either cut down or poisoned. Its effects are long lasting and devastating to both flora and fauna. The area of destruction occurred on harbour front bushland, and its destruction significantly increased the water views for a number of water-front properties.

The urgency of addressing the issue of illegal destruction of trees in NSW is significant. We call upon all relevant stakeholders to recognise the importance of local and state government collaboration in safeguarding our trees and environment.

Georges River Council Review of the penalties applicable to illegal tree and vegetation works

That Local Government NSW requests the NSW Government to conduct a review of the penalties applicable to illegal tree and shrub works, including pruning, removal, poisoning, vandalism and insufficient protection measures on building sites, and introduce higher penalties for the unauthorised destruction of vegetation in environmentally sensitive areas such as riparian zones, areas of high biodiversity value and foreshore protection areas.

Note from Council

Council has experienced an increase in the number of requests from members of the public to investigate and prosecute illegal works to trees and vegetation (including pruning, removal, poisoning and vandalism) and insufficient protection measures with regard to trees required to be retained on building sites. Undertaking these investigations and prosecuting offenders through the courts is a difficult and time consuming process for staff.

Penalties under the *Environmental Planning and Assessment Act 1979*, range from \$1,500 for an individual to \$6,000 for a corporation in the form of a Penalty Notice (fine) up to a maximum of \$5 million for an offence against the *Environmental Planning and Assessment Act 1979*(if the offence caused or was likely to cause significant harm to the environment). The penalty notice amounts do not appear to be a sufficient deterrent to stop the damage to trees and vegetation.

Council believes that the issuing of penalty notices (fines) to offenders is the most efficient means of deterrent, however current penalties are considered inadequate.

Council believes that an increase in penalties for such offences is required.

Council requests that consideration be given to introducing higher penalties for the unauthorised destruction of vegetation in environmentally sensitive areas such as riparian zones, areas of high biodiversity value and the foreshore such as along the Georges River.

Council has written to various State Government Ministers requesting action on tree/ vegetation vandalism and a review of the current penalties. However, a reply from the Government is yet to be received.

Ku-ring-gai Council Penalty increases for illegal tree removal

That Local Government NSW:

1. Advocates to the NSW Government to greatly increase penalty infringement notice fines for illegal tree removal, vandalism or other harm.
2. Advocates to the NSW Government, specifically the Minister for Planning and Public Spaces, for a change to Schedule 5 of the Environmental Planning & Assessment Regulation 2021 to increase the penalties for individuals and corporations for penalty notice offences relating to development without consent.
3. Advocates for a review of the requirements for prosecution of illegal tree removal.

Note from Council

Our natural ecosystems benefit the physical, mental and social well-being of the community. They provide invaluable habitat for native fauna, and in many cases are disappearing and endangered. Councils play a major role in ensuring the preservation and enhancement of our ecosystems, and actively work to create a safe, beautiful, and fulfilling natural environment.

Unfortunately, illegal tree removal is a great challenge. Councils commit staff and financial resources to investigate, educate, and regulate breaches, in many cases without a positive outcome. This is partly due to the maximum penalty fines of \$3,000 for an individual and \$6,000 for an organisation per breach. Successful prosecution can lead to greater penalties however this consumes considerable Council resources and requires a criminal burden of proof. Council's ability to effectively investigate and pursue illegal tree removal is limited, often due to a lack of evidence that can be obtained from a resident's property.

Greatly increasing the penalties would deter individuals and organisations from illegal tree removal and would support Council when educating the community about these offences.

Mosman Council

Penalties for tree vandalism

That Local Government NSW lobbies the State Government to urgently review Penalty Infringements Notices relating to tree vandalism on both public and private land as provided for under the *Environmental Planning and Assessment Act 1979* so that penalties are set at a level which act as a more meaningful and effective deterrent to illegal works / tree vandalism.

Note from Council

The recent vandalism of 3,600sm of bushland at Castle Cove resulting in the destruction of 265 trees through poisoning has highlighted the need for an urgent review of penalties for illegal works / tree vandalism on both public and private land. Such action is in direct conflict with State Environment Planning Policy (Biodiversity and Conservation) 2021 and therefore in contravention of the *Environmental Planning and Assessment Act 1979* (the EPA Act). Penalties (PINs) for illegal works / tree vandalism are set under the EPA Act as work without consent and are presently \$3,000 for an individual and \$6,000 for a company. Prosecution of persons involved in illegally damaging trees can also include fines ranging up to \$5M and recording of a criminal conviction, however success under this path is rare.

The Castle Cove incident has had a devastating impact on a diverse reserve of plant and threatened fauna species providing diversity and habitat and the zealous use of chemicals to destroy trees has compromised the soil and biodiversity of the area. Castle Cove is but one example of ever more frequent environmental vandalism confronting all local government areas and a more appropriate deterrent is required. Vandalised areas of public land are often surrounded by multi-million dollar residences competing with bushland to retain a water view. The level of the current PINs are out of step with the impact of environmental vandalism and do not represent a disincentive to persons willing to act illegally. For these reasons, representations should be made to the NSW Planning Minister, Paul Scully to urgently review PINs before more of our urban bushland is lost.

106 Tweed Shire Council

Street trees as essential community infrastructure in New South Wales

That Local Government NSW advocates that the NSW Government :

1. Reintroduces street trees as eligible community assets through the Section 7.11 Contributions Plan.
2. Investigate and implement a suitable mechanism and governance structure that would enable councils to introduce a fee for compensatory tree planning.

Note from Council

Point 1:

Street trees were removed from Tweed Shire Council's Section 7.11 Contributions Plan (formerly s94 Contributions Plan No. 6) at the direction of the NSW Minister for Planning on 10 July 2009. Contributions for library book stock and surf lifesaving facilities were removed in the same manner at this time. These items were identified to not be appropriate pieces of infrastructure for which contributions should be required. A Ministerial Direction under s94E was issued specifying that council must no longer require monetary section 94 contributions for this purpose. As recognised through an increasing number of urban tree canopy programs throughout Australia, including the Tweed Shire Cool Towns program, trees provide significant benefits to the environment, local climate, economy, and to social and public health outcomes. Trees are widely recognised as an integral and essential component of urban infrastructure. Urban trees are a key asset that contribute directly to improving the liveability of urban areas in a changing climate.

Section 7.11 of the *NSW Environmental Planning and Assessment Act 1979* provides for a consent authority to require the dedication of land, the payment of a monetary contribution (or both) where a development proposal is likely to require the provision of or increase demand for public amenities and services within the area. It is recommended that councils have the option to consider the use of contributions plans for street trees due to the essential services they provide to the public. While it is reasonable to require developers to install street trees as consent conditions, our Council's experience in larger subdivision development is that the trees installed in conjunction with civil works are often damaged or removed by subsequent lot development such as houses.

By collecting a contribution from the subdivision developer instead, these funds can be used later by Council once houses are established to achieve a consistent, high-quality streetscape, at a cheaper overall cost due to economies of scale and reduced tree loss. The earlier Tweed Shire Councils Contributions Plan No. 6 - Street Trees in Residential Areas required a contribution of \$297 per lot towards the planting and maintenance of two street trees per allotment, together with developer contributions towards the embellishment of public reserves (including the planting of trees), walkways and other public areas within a new subdivision.

The first element of this motion thus seeks support from the NSW Department of Planning and Environment under which councils can reintroduce street trees as a community asset through a Section 7.11 Contributions Plan.

Point 2:

As a consent authority, council assesses applications for the removal of trees. This can be in association with a development application or a permit for tree removal. When a tree removal approval is issued, council seeks to achieve at least a no net loss outcome and requires compensatory planting as a condition of the development or permit approval. As compensatory plantings aim to achieve a 'like for like' species outcome, some sites are unsuitable for compensatory planting. This is most often when the site is not suitable for a large tree to be planted due to the presence and position of dwellings or other infrastructure.

Council currently has limited options to achieve the compensatory outcomes when the development site is unsuitable. It is possible to use a voluntary planning agreement, but this is a costly and complicated approach to simple situations involving replacement plantings for

a small number of trees. Larger development proposals may trigger the Biodiversity Offset Scheme and have the option of meeting biodiversity credit obligations for any residual impact through making a payment to the Biodiversity Offset Fund.

The proposed compensatory planting fee would not apply to developments that trigger the biodiversity offset scheme. Council can impose fees and charges under the *Local Government Act 1993* (LG Act). The revenue raised from fees and charges is used to provide specific services or facilities for which they are charged on a user pays basis. Subject to further investigation of the suitability of this mechanism, including in relation to the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act), council could identify a compensatory planting fee per tree. The revenue from this charge could be used to fund street tree plantings through the Tweed Shire Cool Towns program as it may provide a suitable implementation and governance framework.

This program provides the opportunity to include large trees of a range of species and so more likely to achieve like for like outcomes. It would hopefully also provide an appropriate mechanism to provide transparency and accountability for both the financial management and on-ground outcomes.

107 Strathfield Council **Role of the EPA in exercising their compliance powers**

That Local Government NSW calls on the NSW Environment Protection Authority (EPA) to exercise its compliance powers. NSW EPA is a public agency and it should protect the public's interest. The agency regulates all activities which fall under the jurisdiction of the Protection of the Environment Operations Act (POEO) including contamination, noise, air, waste and water pollution. NSW EPA are slowly divesting their compliance responsibilities and have by stealth moved away from compliance to strategy.

Note from Council

Councils across NSW understand and value the importance of industrial uses to our economy and environment. However, it is important for those who undertake industrial uses to do so in accordance with the conditions of consent and relevant licences to ensure that the utilisation of industrial lands does not unduly impact the enjoyment of other, more sensitive uses such as private property.

The Environmental Protection Authority has levers available to it which are not available to councils. It is the responsibility of the EPA to monitor industrial uses and hold them to account, particularly where there plentiful and consistent evidence of breaches of consent or licence conditions.

108 Kyogle Council **Funding for private native forestry compliance and enforcement**

That Local Government NSW advocates for the State Government to properly fund the EPA and Local Land Services to carry out compliance and enforcement of legislation and Codes of practice for the proper management of Private Native Forests.

Note from Council

Kyogle Council acknowledges the important role the forestry industry plays in contributing to the local economy, however, we also have a responsibility to ensure that this industry is acting responsibly and compliantly, to ensure our environment is protected. Council is concerned that neither the LLS nor the EPA is adequately resourced to proactively carry out

compliance and enforcement activities in relation to Private Native Forestry, and only responds reactively to reports of non-compliance after damage has been done to the environment.

Council is seeking LGNSW support in advocating for the NSW Government to properly fund the Private Native Forestry compliance and enforcement functions of the LLS and EPA to ensure our high value habitats are protected, and forestry activities are carried out in accordance with applicable codes of practice designed to minimise impacts on our environment.

109 Georges River Council Pollution of the state's waterways through sewage overflow

That Local Government NSW requests that the NSW Government takes steps to prevent future pollution of the state's waterways through sewage overflows, including but not limited to the upgrade of the Georges River-Malabar main carrier and the treatment plants within that system

Note from Council

Council is concerned that there have been on-going sewage overflows following rain events in many locations across the Georges River LGA which have serious impacts on the water quality in the Georges River.

Council is seeking a review of the key sewerage infrastructure across southern and south western Sydney, with the aim of upgrading the system to prevent spills/ overflows and the resulting environmental damage Council has written to The Hon. Penny Sharpe, MLC Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, the Managing Director Sydney Water and the Chief Executive Officer of the NSW EPA, however a reply is yet to be received.

110 Lane Cove Council Idling of motor vehicles causing excessive air pollution

That Local Government NSW advocates to the NSW Government and NSW Department of Planning and Environment, to extend the current offence of noise from an idling vehicle (Protection of the Environment Operations (Noise Control) Regulation 2008) to make it a traffic offence for excessive idling of a motor vehicle that causes air pollution in public areas.

Note from Council

Often there are vehicles parked with engines running for extended periods as drivers often leave vehicles parked with engines running while family members are shopping, or similar. Studies have shown that idling for more than 10 seconds actually uses more fuel and emits more CO2 than turning off and restarting an engine. The air pollution generated from this practice represents a health and safety issue, together with unnecessary additional Greenhouse Gas emissions.

111 Woollahra Municipal Council Reducing water pollution from construction sites

That Local Government NSW advocates that the NSW Government takes the following steps to reduce water pollution from construction sites:

1. Undertake a review of the current guidelines relating to erosion and sediment control, referenced in the Department of Planning and Environment's standard development application conditions, to ensure they are up to date and represent best practice. The referenced guidelines are "Managing Urban Stormwater - Soils and Construction" 2004

published by the NSW Government (also commonly known as The Blue Book) and the “Do it Right on Site” guidelines published by the Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust, 2001.

2. Explore further opportunities to educate builders and renovators on the importance of essential erosion and sediment controls to prevent run off from building sites entering our waterways.
3. Review the level of penalties that apply to water pollution incidents.

Note from Council

[Figures released by the Australian Bureau of Statistics](#) show that in 2020 construction activities generated the second largest amount of solid waste in Australia, behind manufacturing.

Incorrectly managed construction waste can have detrimental impacts on our waterways. If disposed of incorrectly, site water containing sand, soil, cement slurry, paint and other building materials can enter our waterways via the stormwater system causing damage to our ecosystem and aquatic life. Due to the high number of construction sites even small amounts of pollution from each site is enough to cause significant damage to our waterways. (Source: “Do it Right on Site” guidelines published by the Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust, 2001.)

Implementing proper erosion and sediment controls is therefore key to protecting our waterways. This notice of motion aims to reduce water pollution incidents from construction sites by ensuring current guidelines and penalties are up to date, and exploring further opportunities to educate the construction industry on this important issue.

112 Albury City Council

Banning the release of gas filled balloons

That Local Government NSW seeks the State Government to amend the Protection of the Environment Operations (POEO) Act 1997 to ban the release of all balloons if the balloons are inflated with a gas that causes them to rise in the air, excluding balloons that are hot air balloons that are recovered after landing or balloons released for scientific (including meteorological) purposes.

Note from Council

Balloons have historically been released at a variety of events and celebrations such as weddings, graduations, funerals and sporting events. Today, the environmental impacts on our terrestrial and marine wildlife of these releases are becoming well known, so much that the NSW EPA recognises that releasing balloons into the environment leads to littering and can be harmful to the environment and wildlife. The recognised impacts on fauna resulting from balloon litter include directly through entanglement and ingestion and indirectly through chemical effects.

CSIRO’s Marine Pollution: sources, distribute and fate reports that “balloons are the highest risk debris item” and the “biggest plastic killer of seabirds” with half of the world’s seabirds having ingested marine debris, and predictions, based on increasing plastic production, that by 2050 95% of seabirds will have ingested plastic. This report also identifies that the “greatest expected adverse effects” are occurring in our region as this is “where the highest global seabird biodiversity occurs”. Terrestrial wildlife, including domesticated stock, can also be impacted by the litter resulting from the release of gas filled balloons. RSPCA report

that blockages to the digestive and respiratory tracts by balloons has led to a slow death of farm animals.

In 2020, NSW introduced the Plastic Reduction and Circular Economy (PRCE) Act as part of its commitment to ban problematic plastics, including single use plastics and addressing the problem of plastic waste. Updating the POEO Act to ban the release of gas filled balloons, will align NSW with similar bans in Victoria, Tasmania, Queensland, Western Australia and Northern Territory, as well as reinforce the State's litter and waste commitment under the PRCE Act. There are also affordable alternatives available to the public that do not result in litter and associated harmful effects including:

- Bubble blowing
- Kite displays
- Tree planting, or
- Flower petal confetti.

The NSW Government recognises the negative impacts of balloon releases on the environment through littering and the environmental harm to marine and terrestrial fauna and yet legalises the release of up to 20 balloons. Given NSW's geographical location exacerbates this harm on the marine environment, and the availability of affordable alternatives, the POEO Act needs to reflect current science and community opinion and align with other Australian states and territories and ban the release of gas filled balloons.

113 Georges River Council

Abandoned trolleys

That Local Government NSW requests that the NSW Government amends the Public Spaces (Unattended Property) Act so that retailers are obliged to collect all abandoned trolleys within three hours of notice being given.

Note from Council

Shopping trolleys that are left in public spaces not only pose a significant safety risk to pedestrians and motorists but also negatively impact upon the visual amenity of the locality. Where shopping trolleys are not removed, Councils are faced with an expensive and logistically difficult process of removal that exposes staff to considerable WHS risks. The most effective and efficient means of addressing this issue is to have legislation in place that requires retailers to remove abandoned shopping trolleys from public land in a short time period.

The current provisions in the Public Spaces (Unattended Property) Act that enable the owner of an abandoned trolley four days to retrieve their item are inadequate and will lead to the proliferation of shopping trolleys on public land and increased risk to the community. Retailers should not be allowed to use public land to conduct their business and the resulting timeframes for retrieval should be reduced to a more reasonable time of three hours.

114 Camden Council

Conserving koala habitat in the planning for new urban development

That Local Government NSW lobbies the NSW and Australian Governments for increased protection of koala habitat in the planning for new urban development, including in the Wilton and Greater Macarthur Growth areas.

Note from Council

The 2020 report of the NSW Parliamentary Inquiry into koala populations and habitat in NSW found that, without urgent government intervention to protect habitat and address all other threats, the koala will become extinct in NSW before 2050.

In May 2022, the NSW Threatened Species Scientific Committee upgraded the koala's threatened status from vulnerable to endangered under the *NSW Biodiversity Conservation Act 2016*. This followed a similar decision under the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999*. In addition to the findings of the NSW Parliamentary Inquiry above, it also found that fragmentation and loss of habitat poses the most serious threat to koala populations in NSW.

The Cumberland Plain Conservation Plan was approved by the NSW Government in August 2022 and takes a landscape-scale approach to assessing and protecting biodiversity while planning for future development in new urban areas, including Wilton and the Greater Macarthur area.

Whilst the plan outlines many positive commitments to protect koalas and their habitat, there are concerns about the delivery of these commitments. For example, the plan notes that some of the offset targets might be difficult to meet and that it could take up to 20 years to acquire the necessary land for the new reserves or national parks. Funding of the plan's commitments will also be a key challenge.

115 City of Newcastle

Coastal erosion mitigation and sand replenishment

That Local Government NSW 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

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 hotspots in NSW.

As a result, 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.

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.

In addition, increasing frequency of significant weather events cause erosion damage to beaches along the NSW coastline, which will likely prompt local councils to include sand nourishment as a solution to managing coastal hazards as part of their individual Coastal Management Programs.

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, however are integral to our coastlines' management. Given such challenges face many councils, a strategic state-wide approach is needed to ensure that the lengthy and costly process faced by City of Newcastle in order to get sand back on Stockton Beach, is streamlined in the future to better assist other councils in the State.

116 Tweed Shire Council

Safe cat, safe wildlife

That Local Government NSW writes to the Minister and Shadow Ministers for Local Government, Environment and Animal Welfare requesting the following reforms to better manage the highly negative impact of roaming domestic cats on wildlife and improve the health and welfare of companion animals:

1. Amend the *Companion Animals Act 1998* and associated Companion Animals Regulation 2018 to enable local governments to enforce the containment of pet cats in NSW. The introduction of these containment laws to include phase-in periods and community support and monitoring frameworks.
2. Develop, and allocate funding towards a state-wide program to support local governments to enforce compliance with the *Companion Animals Act 1998*. This funding to include increasing the number of rangers available to undertake such compliance.
3. Streamline pet identification and registration processes into one process managed by Service NSW and accessible through self service functions within the Service NSW app.
4. Transition to mandatory desexing laws that align with existing state approaches in Western Australia, Tasmania, Australian Capital Territory, South Australia and Victoria.
5. Establish a \$10 million, three-year state-wide grant program to support councils to implement domestic cat containment policies and associated responsible cat ownership programs. The program to include: identification and registration measures, large scale desexing and microchipping programs and effective education programs to support people to keep their cats contained.
6. Implement a state-wide 'Safe cat, safe wildlife' campaign that includes the development of a central, state-wide online platform, in consultation with councils, relevant agencies and animal welfare bodies to make responsible pet ownership information easily accessible.

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

Note from Council

The *NSW Companion Animals Act 1998* does not currently include requirements for cats to be secured at home and prevented from roaming. NSW and WA are the only States in Australia that do not have such legislation. Cat containment requires cat owners to keep their pet within the bounds of their property, as is currently the case for dogs, livestock and other pets.

Cats that are kept safely at home live up to 10 years longer. According to the RSPCA NSW, two in three cat owners have lost a cat to a roaming-related incident and one in three to a car accident. Pet cats allowed to freely roam outside kill an estimated 323 million native Australian animals and an additional 223 non-native animals annually.

Feral animal predation, along with weed invasion, are the second major causes (after habitat removal) of biodiversity loss in NSW (NSW State of the Environment report 2021). In our shire, with its special responsibility to protect our environment it is urgent that this situation is remedied by a change in our state legislation.

Our wildlife, our cats, and our precious local environment will be the beneficiaries.

Blue Mountains City Council Urgency requirement for Companion Animals Act amendments

That Local Government NSW calls on the NSW Government to act urgently in response to the LGNSW policy platform 13.6 by introducing to Parliament necessary amendments to the *Companion Animals Act (1998)* to enable councils to make local assessments and rules about roaming domestic cats to better respond to the local risk levels and impacts on native fauna.

Note from Council

The LGNSW policy states: 13.6 - Amendments to legislation to enable councils to more effectively manage the nuisance effects of cats on residents and wildlife, including streamlining the process of animal registration, limiting the roaming of cats beyond their owner's property, and enabling a trap-neuter-return program.

Eurobodalla Shire Council Review of the Companion Animals Act - cat containment

That Local Government NSW lobbies the NSW Government to:

1. Change the *Companion Animals Act 1998* to bring NSW into line with other states and territories by allowing local government to introduce cat containment policies in consultation with the local community that meet the specific needs of their area and community, including phase-in periods, selection of areas within the LGA to which the policy applies, monitoring frameworks and resource allocation.
2. Establish a \$9 million three-year state-wide grant program to support councils to implement domestic cat containment policies and associated responsible cat ownership programs to increase containment, desexing, identification and registration.
3. Implement a state-wide 'Safe cat, safe wildlife' campaign that includes the development of a central, state-wide online platform, in consultation with councils, relevant agencies and animal welfare bodies to make responsible pet ownership information easily accessible.

Note from Council

NSW and Western Australia remain the only states whose councils cannot implement restrictions on roaming pet cats. In other states the respective companion animal management legislation supports local governments to create locally specific laws for pet containment.

With a change of state government in March this year, councils across the state are renewing calls for amendments to the *Companion Animals Act 1998* that would equip local governments with the necessary powers to implement cat containment at a local level.

Queanbeyan-Palerang Regional Council Amendments to Companion Animals Act

That Local Government NSW calls on the NSW State Government to introduce to Parliament amendments to the *Companion Animals Act (1998)* to enact Cat Containment regulations across New South Wales to better respond to the local risk levels, nuisance and noise issues, cat welfare and impacts on native fauna.

Note from Council

The impact of roaming cats on native fauna and cat welfare in Australia has been well documented. However, NSW local councils have limited powers to control roaming cats. Amending the *Companion Animals Act (1998)* would support councils to take more effective action on this matter.

Tamworth Regional Council Responsible pet ownership and addressing the impact of cats on wildlife

That Local Government NSW calls on the NSW State Government to address the impact of cats on wildlife by amending the Companion Animals Act to:

1. Mandate the desexing of all cats by 6 months of age with the exception of those owned by registered breeders and holding a valid permit for each litter;
2. Tighten the laws allowing the issue of permits for breeders and the ability to use the same permit for subsequent litters;
3. Provide funding to Councils and not-for-profit rescue organisations for specific reduced cost desexing programs;
4. Mandate the containment of all domestic/pet cats either within a dwelling and/or within an external enclosure; and
5. Provide significantly increased funding for on-ground resources to enforce enclosures and investigate and enforce laws relating to illegal breeders.

Note from Council

Council is aware of significant statistics based on research across Australia detailing the negative impacts of cats, including domestic (pet) cats on native wildlife.

Council holds significant concerns regarding the impact on biodiversity of the huge numbers of native birds, small mammals and reptiles that are killed by domestic cats each year and the effect on vulnerable and threatened species.

The current regulations applicable to domestic (pet) cats under the Companion Animals Act are inadequate to address this problem, and there is an urgent need to address in particular the lack of a mandate for the desexing of all cats and the requirement for containment within an owner's property, either within a dwelling or within an outside enclosure.

There is also an urgent need to tighten the currently weak regulations and process applying to the breeding of cats and the permit system. It is acknowledged that the amendments proposed above will not achieve the intent without accompanying state funding to enable enforcement of the changes.

In the absence of state funding to enforce desexing and ensure containment through enclosure, the numbers of cats, both owned and stray, will continue to increase, with a corresponding increase in wildlife deaths and reduced biodiversity.

117 Byron Shire Council

Non-lethal dingo management

That Local Government NSW:

1. Recognises that dingoes are native animals with an important ecological role and are worthy of protection and care.
2. Acknowledges the long connection between dingoes and Aboriginal Australians and endeavour to respect this connection in relevant actions of the LGNSW.
3. Notes there have been recent genetic studies indicating that a high proportion of wild dogs in Australia are pure dingoes and dingo-hybrids.
4. Commits to:
 - a. working towards new and updated investigations, community education, research, implementation of non-lethal dingo management; and
 - b. advocating for a statewide ban on the use of 1080 as an inhumane and indiscriminate poison.
5. Explores the recognition and protection of dingoes as a native species in the *Biodiversity Conservation Act 2016 (NSW)*.

Note from Council

Recognising Dingoes as important Australian native species. Dingoes inhabited Australia long before European colonisation. The earliest mitochondrial DNA data provides evidence that dingoes inhabited Australia at least 18,000 years ago.

As an iconic Australian animal, the legal treatment of dingoes is significant at both a domestic and international level, warranting careful consideration from all levels of government.

Dingoes are incorrectly called 'wild dogs'. According to more updated and effective research, over 90% of so-called 'wild dogs' in NSW are dingo or dingo-hybrids. A recent study examined the genetics of 5,039 "wild dogs", finding almost all had predominantly dingo ancestry. The majority of these wild dogs in fact appeared to be purely or dominantly dingoes.

"A shift in terminology from wild dog to dingo would better reflect the identity of these canid dingoes and allow more nuanced debate about the balance between conservation and management of dingoes in Australia."

Dingoes are deeply connected to First Nations people of Australia. The dingo is culturally significant and very important to many First Nations people across the country. Dingoes are a totem animal for some Indigenous groups. Dingoes play a central role in the Dreamtime and the Dreaming across the country. Indigenous stories also honour the travels of ancestral dingoes, which map song lines and pathways between water sources.

Dingoes play an essential ecological role. As a keystone species and an apex land-based predator in Australia, dingoes play a central ecological role. Any removal, decline or shifts in distribution of an apex predator significantly disrupts an ecosystem.

Dingoes are a threatened species, facing multiple threats from extensive lethal control programs and habitat fragmentation. Dr Cairns, a leading expert on dingoes, believes their indiscriminate killing disrupts the structure of family packs, affecting their natural social groups. This can leave young dingoes fending for themselves, starving and can disrupt the natural breeding cycles with other dingoes, which are less frequent than that of dogs.

Australia has the world's highest rate of extinction among mammals, and Dr Cairns suggests killing dingoes could be partly to blame. "If we don't have them [apex predators], then ecosystems get out of whack," she says. "You have much more diverse and also resilient ecosystems where there are dingoes."

Australia wide, the impact is well evidenced in studies around exclusion fencing, which is a common dingo control method. The most famous fence spans 5,600 km across several Eastern states, including NSW. Research data has shown that the ecosystems are healthier and more resilient on the dingo side of the fence, with more small native mammals and a natural balance in species. By contrast, the dingo-exclusion side of the fence has seen larger numbers of kangaroos, cats, rabbits and foxes.

Current control methods inflict cruelty and suffering.

Control methods include ground baiting, aerial baiting, trapping, shooting and fencing.

The most commonly used bait poison is called '1080'. RSPCA Australia has found the use of 1080 to be 'inhumane', with fully conscious animals suffering convulsions, mania, vomiting, whimpering and muscle spasms. Furthermore, the baits are indiscriminate, meaning a wide range of species suffer poisoning.

The type of traps used will depend on the State or Territory laws. Generally, spring-loaded steel or padded jaw traps are used to catch dingoes. Traps are known to cause immense and prolonged suffering, often breaking bones and tearing muscles as animals are trapped or try to escape. While immobilised and in pain, dingoes are also vulnerable to exposure, dehydration, starvation and other kinds of predation. Given the remote nature of traps, dingoes often remain trapped and in pain before being found.

The suffering is exacerbated in some states where traps are laced with a suffocating poison called Strychnine. RSPCA Australia has said the use of this poison is not humane.

Shooting is a typically imprecise and risky method of killing dingoes. As with the shooting of other wildlife, animals are highly likely to suffer extreme stress, fear, pain and severe injury from non-lethal shots. Unfortunately, mis-shots are inevitable.

The use of exclusion fencing creates new risks for animal welfare. Animals such as kangaroos, wallabies, echidnas and goannas may become entrapped, including in high-stress situations when being chased or escaping wildfire. Animals who are entrapped may be severely injured or may suffer a slow death from exposure.

Research shows non-lethal alternatives are effective. More farmers are increasingly discovering the benefits of non-lethal control methods and coexistence with dingoes.

In the case of crop farmers, studies have shown that dingoes can reduce competition for pasture from wild herbivores. Graziers have also found benefit in coexistence with dingoes. Not only do dingoes deter other animals such as foxes and cats, but a recent report found that the use of guardian animals and/or the use of sensory deterrents (such as light, sound or smell) to be effective non-lethal management practices such as Guardian animals including Guardian Donkeys and Guardian dogs are having positive results in Australia and abroad, protecting stock from predation.

Dingoes can be allies for graziers by reducing the competition for pasture from wild herbivores such as kangaroos and goats, as well as removing non-native species from the area, such as cats, rabbits and foxes.

Dingoes lack protection at both a state and federal level. Dingoes are the only native mammal not protected in NSW. Schedule 5 of the *Biodiversity Conservation Act 2016 (NSW)* outlines protected animals, which includes native mammals of any species except for dingoes. This means dingoes have no protections under this Act.

NSW defines 'wild dog' as any dog living in the wild, including homeless domestic dogs, dingoes and hybrids. Part 3 of the *Biosecurity Act 2015 (NSW)* establishes a General Biosecurity Duty requiring any person dealing with biosecurity to take reasonable measures to prevent, minimise or eliminate the risk. This applies to wild dog populations, as wild dogs have been classified as a 'priority pest animal' in various State management strategies.

In regard to Federal legislation, dingoes are not included in the list of threatened species protected by the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*, meaning they are not protected by national environmental law.

Supporting links:

<https://hsi.org.au/australian-wildlife-habitats/coexisting-with-wildlife/>

References:

<https://hsi.org.au/wp-content/uploads/2023/03/HSI-Predator-Smart-Farming-Digital.pdf>

<https://hsi.org.au/australian-wildlife-habitats/coexisting-with-wildlife/>

<https://www.defendthewild.org/dingo-killing>

<https://besjournals.onlinelibrary.wiley.com/doi/10.1111/1365-2664.12378>

<https://onlinelibrary.wiley.com/doi/full/10.1002/ece3.3487>

<https://www.publish.csiro.au/am/pdf/AM20055>

<https://kb.rspca.org.au/knowledge-base/what-are-the-risks-to-wildlife-associated-with-barrier-and-cluster-fencing/>

https://www.researchgate.net/profile/Louise-Boronyak/publication/369062599_Pathways_to_coexistence_with_dingoes_across_Australia

Roads, transport, infrastructure, land

118 Clarence Valley Council **Protecting regional water utilities from privatisation**

That Local Government NSW lobbies the NSW Government to prepare a policy and associated legislation or other regulatory mechanism/s to ensure regional water facilities are retained under public ownership.

Note from Council

Retention of Councils water utility assets in its ownership for the community is a vitally important matter. By privatizing water and sewer systems, local government officials abdicate control over a vital public resource. There are real economic and social benefits to retaining water facilities under public ownership.

119 Muswellbrook Shire Council **Upgrade water infrastructure to unlock housing and industry**

That Local Government NSW calls for:

1. Any housing strategy established and implemented by the State and/or Federal Government, to give consideration to the capacity of Local Water Utilities to provide sustainable water and wastewater services to new housing and industrial developments.
2. Grant funding opportunities to be increased and made available to Local Water Utilities for the provision of upgraded and/or renewed water and wastewater infrastructure, and that these grants not be tied to onerous co-contribution arrangements.

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

Note from Council

The demand for housing throughout Australia is unprecedented in the modern era, and many Local Water Utilities are not in a position to fund the major upgrades that may be required to support and facilitate major new housing and industrial development in rural and regional NSW.

Cabonne Council

Regional growth

That Local Government NSW calls on the NSW Government to fast-track investment into critical water supply and sewerage infrastructure, to assist regional councils meet the immediate and long-term demand for housing.

Note from Council

Since COVID the increase in people moving to regional areas has confirmed regional NSW is a great place to live, work and raise a family. Economic development in regions is generally challenged due to a lack of housing supply and the associated challenges in accommodating growth by providing essential services such as water and sewer for future residential developments.

The government's initial investment in these essential services followed by subsequent investments by the council will ensure their viability into the future as well as promote the sustainability of the regions by supporting local procurement, job creation and skills development in the local business economy.

120 Federation Council

River and dam management

That Local Government NSW lobbies the State Government for improvements to air space management rules and procedures in NSW Dams such as Lake Hume to lessen impacts of downstream flooding.

Note from Council

The management of Hume Dam (Lake Hume) for example across the last 2016 and 2022 floods has come under scrutiny, mainly in the area of air space management. Specifically the management of the Dam refusing to release sufficient water to manage predicted inflows to lessen the impacts of downstream flooding.

For example if the Basin Officials Committee (BOC) were to give the Murray Darling Basin Authority (MDBA) direction on how to use the last 386GL of airspace in Hume Dam, this would provide meaningful flood mitigation to downstream communities. The BOC is the vehicle for giving direction to the MDBA).

In forecast wet years, the MDBA predict inflows on the basis of flows that can be reasonably expected and not use the current serially correlated flow regime which uses historic lows from a given point in time.

The MDBA should give heavy weighting to short term BoM forecasts. The MDBA should negotiate with the Commonwealth Environmental Water Holder (CEHW) to underwrite any airspace not recovered after pre-releasing during flood operations.

Hume Dam is currently operated under three pillars of governance. 1. Protect the structure at all costs 2. Store as much water as possible 3. Provide flood mitigation where possible

Unfortunately, the MDBA treat pillars 2 and 3 above as being mutually exclusive. Under current rules the last 386GL (12.8%) of airspace at Hume Dam can be used for flood mitigation

but this volume is not being utilised. For example, in 2016 where the Murray Valley experienced catastrophic flooding Hume dam was allowed to fill to 98% and went from minimum releases of 600ML/day to releases of 45,000ML/day 10 days later, and it kept getting worse from there. This was despite BoM short term forecasts predicting huge rainfall totals over the catchment. Hume was essentially allowed to fill and spill and catastrophic flooding occurred. Last year when Hume was 97% full in July the same thing happened yet MDBA officials said that Hume was not guaranteed of filling despite every climate model in existence forecasting extremely wet La Nina conditions.

Over the next four months over two times the total volume of Hume dam was passed as floodwater resulting in extreme damage to property in the Murray Valley through to South Australia. Serially correlated flow calculations by their very nature will always underestimate inflows i.e. inflows will always be greater than what is allowed for.

If you don't have a realistic expectation of what is coming in how can you manage what needs to be let out. In wet years the MDBA discount BoM forecasts because 'they might be wrong' but in dry years they follow BoM forecasts to the letter. It begs the question as to who within the MDBA thinks they have a better ability than the BoM to forecast weather events. In wet years the MDBA need to give heavy weighting to BoM forecasts. When on the odd occasion the MDBA does consider Hume will fill and decides to pre-release water in advance of inflows this pre-releasing is always conservative because they always want to guarantee filling after an event. Pre-releasing is generally considered good for the environment and this water does not come off any environmental water account.

If the CEWH was prepared to underwrite say 5% of airspace then if Hume did not fill after releasing mitigating flows before demand exceeded inflows then that % shortfall would come off the CEWH's water account. This would give river operators significant wriggle room to provide some meaningful flood mitigation to downstream communities whilst also providing significant environmental outcomes through the pre-releasing process. CEWH has in the past has shown some appetite for this concept.

This is considered to be a motion and information largely related to the Murray and Lake Hume however the principles are considered to be relegated across the state to improve air space management and hence avoid the number of and or severity of flood impacts.

121 North Sydney Council

Return of Public Open Space

That Local Government NSW lobbies the State Government to return land that is compulsorily acquired for major projects to the care and control of the Local Council when the land is no longer required for the purpose of major project construction and that the land be returned in a condition that meets the standards required for the use of the land as recreation and public open space.

Note from Council

Successive State Governments have compulsorily acquired public/Crown land for the purposes of constructing major and State significant projects. Much of the land is only needed for the construction period.

This motion asks LGNSW to lobby the State Government to ensure that all public/ Crown land acquired by the State Government which is no longer required once the construction of the

major project is complete, be returned to the care and control of the local Council for a public purpose/benefit.

122 Blacktown City Council Separate plans of management for community land categorised as natural area

That Local Government NSW calls on the NSW Government to amend the requirements for Plans of Management under the Local Government Act 1993, so that separate plans are not required for land categorised as Natural Area with critical habitat or affected by a recovery or threat abatement plan (s36A and 36B of the LG Act).

Note from Council

Councils are required to prepare Plans of Management (PoMs) for all community land, including Crown land managed by Council. This is a major and resource-intensive process.

It is a reasonable and practical approach for councils to prepare a generic PoM for all community land, except special use areas such as showgrounds, cemeteries etc. The generic PoM can include all the provisions, ensure consistency and avoid duplication.

The requirement to prepare separate PoMs for land categorised as Natural Area with critical habitat or affected by a recovery or threat abatement plan unnecessarily demands additional resources and delays implementation of PoMs. The majority of the provisions relating to Natural Areas will be identical, resulting in unnecessary duplication.

123 Blacktown City Council Plans of management for community land

That Local Government NSW calls on the NSW Government to amend the requirements for Plans of Management under the *Local Government Act 1993*, so that when an additional parcel of community land is added to an existing Plan of Management, the addition be exhibited and submissions on that additional parcel of land only be received for a minimum of 14 days, and that no public hearing be required.

Note from Council

The Local Government Act 1993 (the Act) requires that when an amendment is made to a plan of management (PoM) for community land it must go through the process as if it were a new PoM. ("A council may amend a plan of management adopted ... by means only of a plan of management so adopted.")

The process of adopting a PoM requires exhibiting the draft PoM for 28 days and receiving submissions for 42 days. If the draft PoM proposes changes to the categorisation of land, a public hearing is also required. Thus, when adding additional land to a generic PoM the existing PoM is opened up to scrutiny again, even though it has previously been appropriately adopted.

For councils in growth areas, councils are increasing their community land by acquisition or dedication on a significant scale.

Thus, it is a substantial and ongoing administrative burden for councils to amend or prepare new PoMs when additional land is added. To reduce this administrative burden, we recommend that the requirements for PoMs under the Act be amended so that when an additional parcel of community land is added to an existing PoM, that the addition be

exhibited and submissions on that additional parcel of land only be received for a minimum of 14 days, and that no public hearing be required. This will avoid the provisions of an existing PoM, appropriately adopted in the past, being opened up for further amendment from submissions.

124 Clarence Valley Council **Native title compensation within and across LGAs**

That Local Government NSW lobbies the NSW Government to

1. Prepare a policy and associated legislation or other regulatory mechanism/s that provide a consistent process for assessing, valuing and resolving native title compensation within and across LGAs, and
2. Establish a native title network for NSW council staff to connect, share information and discuss local government issues regarding native title.

Note from Council

This motion seeks to establish negotiated native title compensation procedures and agreements. An established, consistent approach across NSW local governments is required to provide consistency, certainty and the payment of compensation without unreasonable delay.

125 Bega Valley Shire Council **Forestry Corp and National Parks contribution to road maintenance**

That Local Government NSW:

1. Calls on the shareholder Ministers for Forestry Corporation (the Treasurer and Minister for Agriculture) to review its operations and contribute financially to haulage routes.
2. Calls on the NSW Minister for Environment and the National Parks and Wildlife Advisory Council to review the impact on local road networks of National Parks users and consider a mechanism for financial contribution to road maintenance.

Note from Council

Forestry Corporation is a State-owned corporation appointed to manage the State Forest estate in line with the objectives and functions of the *Forestry Act 2012*. The Forestry Corporation utilises a vast rural road network that form their haulage routes. There is no mechanism in place for Forestry Corporation to make contributions to Councils for the maintenance and renewal of rural roads that are impacted by regular movements of large haulage vehicles. Ratepayers are subsidising the cost of the increased maintenance and renewal.

Similarly, users of National Parks impact local road networks and there is no mechanism for the National Parks and Wildlife Service to contribute to maintenance and renewal of rural roads. Ratepayers are again subsidising the increased costs of maintaining the road network.

126 Bega Valley Shire Council **Freight connectivity to international airports**

That Local Government NSW advocates to the NSW Government and Australian Government to review in partnership with councils the freight connectivity routes into Canberra, Newcastle and Western Sydney international airports to improve access to growing international export markets for regional communities.

Note from Council

Improved freight routes connecting regional producers to international markets offer a range of significant benefits that can positively impact regional economies including access to international markets more quickly and cost-effectively. This can lead to increased exports, higher sales volumes, a diversified customer-base, increased foreign investment and revenue growth for local businesses. An increase in economic activity often translates into more local job opportunities which can lead to reduced unemployment rates and an improved standard of living our regions.

Improving freight routes of the major airports in our State and national capital will positively impact transportation costs and transit times which will help regional producers to be competitive on a global scale.

127 Broken Hill City Council

Next fuel outlet signage in regional and remote NSW

That Local Government NSW calls on the State Government to install signage on the outskirts of NSW regional towns/cities and cross-border towns/cities that lead to remote NSW advising of the distance to the next fuel outlet.

This will assist to ensure the safety of motorists driving vast distances through mobile black spot areas of Western NSW.

Note from Council

There are vast distances between towns in the Western Region and in recent years there has been an increase in visitors to the region. Travellers not familiar with rural highways are currently not aware of the distance between fuel outlets.

Broken Hill City Council has received feedback from tourists who fuelled up at Swan Hill believing that the Coombah Roadhouse was still open. On arriving at the Coombah Roadhouse there were several other travellers at the site who could not fuel up as the Roadhouse was closed, and therefore these travellers were left without enough fuel and the nearest fuel outlet being more than 150km in either direction.

This is a similar story that is being heard across other areas of Western NSW with travellers. This is a safety concern especially for vulnerable travellers due to the lack of mobile coverage along the regional roads in Far West NSW and due to the excessive temperatures experienced in the summer months.

The installation of "Next Fuel Outlet" signage on the outskirts of NSW regional towns/cities and cross-border towns/cities that lead to remote NSW, will alleviate this issue by alerting travellers to the distance to the next fuel outlet to ensure that they arrive safely at their next destination.

128 LGNSW Board

Equitable access to transport options

That Local Government NSW calls on the NSW and Australian Governments to:

1. Improve transport and bus services (including school bus services) for all residents in metropolitan, regional, rural and remote NSW,
2. Provide residents with environmentally sustainable and equitable public transport options that make living without a car a more viable option,

3. Prioritise action on the recommendations of the Bus Industry Taskforce, including delivering bus services to underserved communities, and
4. Re-instate the Regional Seniors Travel Card or a similar program to ensure fair and equitable access to travel.

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

Note from Board

Efficient and accessible public transportation is critical for communities, enhancing access to jobs, schools, higher education and essential services. Underserved communities are at a distinct disadvantage, and while this impacts communities right across NSW it is particularly stark in regional, rural and remote areas.

Reliable and well-placed public transportation also supports environmental sustainability, and when at a sufficiently high standard can make living without a private vehicle a viable option for those cannot or choose not to drive.

The Bus Industry Taskforce's first report was released in July 2023, making key recommendations aimed at improving the reliability, quality and effectiveness of bus services across NSW, with a particular focus on the need for long-term increased funding to improve bus services to underserved communities.

The NSW Government's Regional Seniors Travel Card program was closed for new applications in July 2023. The cards assist seniors living in regional, rural and remote NSW by providing a \$250 contribution towards the cost of travel related expenses which can be more expansive in these areas.

Bayside Council

Bus Industry Taskforce report

That Local Government NSW calls on the Minister for Transport to prioritise action on the recommendations of the First Report from the Bus Industry Taskforce, especially the refocus on the essential task of delivering bus services to underserved communities most impacted by privatisation of bus services in NSW.

Note from Council

The Bus Industry Taskforce was announced in May 2023 to examine the bus service planning, delivery, equity and performance in the context of widespread complaint about the reliability and effectiveness of bus services.

The Taskforce is also obliged to consider the outcomes of the Parliamentary Inquiry into the Privatisation of Bus Services.

The First Report by the Taskforce was published in August 2023, with findings that bus services across NSW are underfunded and substandard in quality due to the focus on saving money through privatisation.

Our communities are suffering and we call on the NSW Government to build on its 'in principle' support for the First Report's 7 recommendations and expedite action now to restore basic services to our communities.

That Local Government NSW advocates to the NSW Government, specifically the Minister for Transport and Transport for NSW (TfNSW), to give greater consideration to equity and accessibility of school bus transport within remote rural and regional areas, and release information on corresponding funding allocation and assessment methodology for the provision of public passenger services within such areas.

Note from Council

Narrabri Shire Council, like many rural and regional communities is facing ongoing challenges with school bus transport services, as reflected in the contents of the recently released first Bus Industry Taskforce Report on 14 August 2023. Under this Report, the responsibility for bus-related issues was found to be scattered across Transport for NSW, with a lack of focus on working together with operators to deliver the transport needs of their communities.

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

1. improve transport and bus services for all residents. Residents should have the option to live without a car, be connected to employment, services and activities including journeys to local shops, schools and services.
2. provide all residents with environmentally sustainable, socially equitable transport, and bus services to support a healthy community, where living without a car is a viable, attractive option for all residents.

Note from Council

Effective public transport provides sustainable transport to the whole community, improving access to jobs, community facilities, open spaces, and each other. People without well-placed and adequate access to public transport are at a significant disadvantage. This has a negative impact on the environment as residents often become car dependent. In 2022, transport contributed to 19% of Australia's total emissions, with passenger cars and light commercial vehicles making up for 60% of this.

Unreliable and inadequately placed public transport thus has a negative effect on the environment and it is important not only from a social standpoint but an environmental one.

Whilst there is a large focus on the promotion of Electric Vehicles, the infrastructure is not yet at a stage that is able support the population and requires supplementary action in the form of operative and accessible public transport if Local Government is to drive positive change in the community, especially surrounding it's aims to become more sustainable and it's zero emissions efforts.

That Local Government NSW calls on the State Government to continue the Regional Seniors Travel Card, or a similar program to be implemented, to ensure seniors still have fair and equitable access to the necessity of travel in regional NSW.

Note from Council

The Regional Seniors Travel Card was a community transport scheme, approved by the Minister for Regional Transport and Roads and administered by Transport for NSW as a four-year trial which expires in November 2023.

The Regional Seniors Travel Card program suspended all new applications from 7 July 2023 as the government began a review into the scheme. The suspension does not affect seniors who already hold a Regional Seniors Travel Card. Active cards can continue to be used until the expiry date printed on the front of the card.

Since 2020, the Regional Seniors Travel Card has assisted seniors living in regional and remote NSW with the cost of living expenses by providing a non-reloadable, Visa card with \$250 pre-loaded to pay for travel related expenses at retailers.

The Regional Seniors Travel Card can be used Australia-wide, including in metropolitan areas and when travelling interstate for:

- pre-booked NSW TrainLink Regional train and coach services
- taxi trips
- fuel at service stations, convenience stores or mixed businesses that operate with a fuel merchant category code
- fuel for someone else's vehicle to support your transport needs
- electric charging stations
- Opal card top up payments
- privately-operated coaches
- selected community transport services.

The discontinuation of the Regional Seniors Travel Card will mean the most vulnerable regional travellers will be forced to pay more for travel during a period that is already significantly impacting the quality of life due to the ever increasing cost of living.

129 The Hills Shire Council

Parking enforcement in private car parks

That Local Government NSW calls on the NSW Government to review s650 of the Local Government Act 1993 to allow the enforcement of parking restrictions within privately owned 'free parking' car parks.

Note from Council

Section 650 of the *Local Government Act 1993* allows private landowners to enter into a free parking area agreement in respect of their land.

Under these agreements, the area is put under council control, with the Council enforcing parking restrictions on the land in the same way that parking restrictions may be enforceable in all councils' public free parking areas.

The owner of any private land may enter into an agreement with Council under which the land, or any part of the land, is set aside for use as a 'free parking area'. Importantly, under a free parking area agreement, the area in question becomes available for use by the general public to park free of charge.

A 'free parking area' means any area of public land (other than a public road) for the accommodation of vehicles without payment of a fee or charge and includes any area of land the subject of an agreement referred to in section 650(6).

The introduction of ticketless parking systems in major shopping centers has resulted in Council Officers being unable to provide enforcement under the current provisions of s650 of the Act.

Standard ticketless parking in major shopping centers provides a period of 'free parking', usually three hours. After the three-hour free period, rates are applied by the shopping centre based on the length of time the vehicle is parked.

The pay schedule, even if it grants a gratuitous three hours is still parking that is conditional on payment and payment terms. Therefore, it does not meet the current definition of a 'free parking area', invalidating a parking agreement between Council and the owner of the land.

Council Officers were commonly not enforcing timed parking offences inside major shopping centre car parks under s650 of the Act as most of the major shopping centres had no timed parking restrictions prior to ticketless parking. Enforcement was carried out for the unauthorised use of designated disability spaces; vehicles that do not stand in a marked parking space, parking over crossing or impeding another space and failing to comply with a parking or movement direction.

These types of parking offences can cause serious impacts to the flow of traffic, safety for pedestrians and fire risks. Ticketless parking has no consequence on several other parking offences tabled under s650.

In addition to this disabled parking spaces assist the vulnerable and disabled members of the community. Without an ability to enforce, motorists tend to park illegally in disabled parking spaces taking away parking spots from the over 300,000 legal NSW Mobility Parking Scheme permit holders. People who have valid disability parking permits are inconvenienced and cannot utilise the parking concessions and the wider parking spaces.

This Council has previously written to the Minister for Local Government who has advised that it is a matter for the owner or manager of the carpark to ensure locally implemented parking restrictions are enforced. This effectively puts the responsibility on the property owner, who has no enforcement powers to enforce parking restrictions within their carpark.

An amendment to the Act is required to recognise the current technology of ticketless parking. If a car park still has a period of 'free parking', prior to any timed parking rates charged by the centre.

Thereafter, s650 should reflect that under a parking agreement between the owner of the land and Council, the car park can be enforced for all other parking offences under S650 not relating to timed parking offences.

130 Wollongong City Council

Bikes on buses

That Local Government NSW lobbies the NSW Government to enable bikes to be carried on buses where possible if the need arises.

Note from Council

Bike racks on buses enable cycling and public transport to complement each other, increasing the flexibility and reach of both. It is currently impossible to take a bicycle on a bus in NSW. In contrast bike racks on buses have been in operation in Canberra since 2005. Bike racks on buses have also been trialled in metropolitan Melbourne and regional Victoria with strong support from local councils.

Bike racks on buses are commonly seen across Europe, Canada, the US and South America. Transport for NSW conducted a "Bikes on Buses in the Bush" trial in Queanbeyan and Yass from 6 December 2021 to 31 March 2022 stating that "Beyond the health benefits of active travel, the integration of bike riding with buses increases convenience, reduces congestion

and reduces greenhouse emissions". In 2021 a trial of bike racks on buses was announced for Wagga, but it has yet to proceed.

131 Wollongong City Council

Review of cycling on footpaths

That Local Government NSW writes to the NSW Government requesting a review of national and international best practice to improve cyclist safety and participation, including permitting cycling on footpaths for all age groups unless signposted otherwise.

Note from Council

Many NSW Councils are committed to delivering a safe cycling network for all levels of skill and confidence in their LGAs. This motion seeks NSW Government support to look best practice to improve cyclist safety.

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.

X1 Leeton Shire Council

Improving cyber security in regional and rural NSW

That Local Government NSW calls on the NSW Government to address the increasing cost burden of cyber security and establish a Centralized Security Operations Centre (SOC) for NSW Local Governments.

Note from Council

The digital landscape presents an increasingly challenging environment, with cyber criminals constantly finding new ways to exploit vulnerabilities. Local governments are prime targets for cyber-attacks, and the repercussions of breaches extend beyond financial losses to impact the trust and security of the residents and ratepayers we serve. The costs associated with maintaining robust cyber security defences have become a considerable challenge, particularly for smaller local governments with limited resources.

Recognising the need for a comprehensive and cost-effective solution, we propose the establishment of a Centralised Security Operations Centre (SOC) specifically designed to cater to the cyber security needs of all local governments in New South Wales. The SOC would operate as a unified and collaborative hub, fostering cooperation and sharing of cyber threat intelligence between local governments. By establishing a Centralised Security Operations Centre, it would be possible to collectively strengthen our local government digital infrastructure against cyber threats while optimising resource utilisation. Moreover, this initiative will foster stronger collaboration among local governments, promoting the exchange of ideas, best practices, and cyber threat intelligence.

Note from LGNSW

This motion is consistent with current position 17.16 of the LGNSW Policy Platform which calls on the NSW Government to support local government in improving cyber security practices and infrastructure.

X2 City of Newcastle

Cyber security

That Local Government NSW:

1. Notes the elevated international level of Cyber Security events, including recent malicious cyber activity which has impacted many Australians.
2. Notes the investments made by local government to protect the integrity of its online systems, and the work undertaken with the community to support good online practices (including via community outreach and education through Libraries).
3. Notes the outcomes of the NSW Parliamentary Inquiry into Cyber Security, following a major data breach of Service NSW.
4. Notes in December 2022, the OLG released Cyber Security Guidelines for NSW Local Government allowing councils to assess their cyber security maturity and plan their maturity uplift and outlining cyber security standards and controls recommended by Cyber Security NSW for local governments.
5. Notes that the Audit Office of NSW released a report into the governance, roles and responsibilities of Cyber Security NSW.

6. Acknowledges that report's finding including that Cyber Security NSW has a remit to assist local government to improve cyber resilience, however does not have a strategic approach guiding its efforts.
7. Calls on the NSW Government to implement the recommendations found in that report, including:
 - a. ensure that Cyber Security NSW has a detailed, complete and accessible catalogue of services available to agencies and councils
 - b. develop a comprehensive engagement strategy and plan for the local government sector, including councils, government bodies, and other relevant stakeholders.
8. Consistent with the NSW Parliamentary Inquiry's findings, calls on the NSW Government to support the local government sector in its protection of data held online, by providing a relevant permanent funding stream to assist and supplement investment of this protection by councils already, noting the highly sensitive information held by the local government sector.

Note from Council

Councils are increasingly dependent on digital technologies and are a target for state-based, criminal and activist threat actors.

A cyber-attack or incident has a risk of major disruption to services and operations, with genuine risk to critical infrastructure and services.

Strong cyber security enables the effective use of emerging technologies and ensures confidence in the services provided by NSW local governments.

Cyber Security NSW does not offer funding assistance for the implementation of the Guidelines or other cyber security maturity uplift.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 17.16: LGNSW advocates for the NSW Government to Support local government in improving cyber security practices and infrastructure.

X3 Tweed Shire Council The exponentially rising costs of holding local government elections

That Local Government NSW advocates to the Minister for Local Government and the NSW Electoral Commission to address the exponentially rising costs of holding Local Government elections, requesting a review be undertaken of:

- a. the time allocated for pre-polling, noting that during the recent State Government elections, prepoll occurred for only 6 days.
- b. the number of polling booths and the removal of polling booths that are within 5km of each other in order to reduce election costs.

Note from Council

The increasing cost of local government elections has resulted in greater spend by councils on their elections. Although, the State Government has historically contributed to the running costs, the proportion paid by ratepayers continues to increase. It is acknowledged that this is a result of several increasing cost input factors, including venue hire and staffing costs. Given the costs increase, it is prudent that the NSW Electoral Commission continues to consider and implement cost saving mechanisms for elections, including through shorter pre-poll periods and reduction in polling venues.

Shorter pre-poll periods were implemented at the last State Government election, to positive effect.

Consideration as to fewer polling day locations for Local Government Elections should be a strong consideration for cost reduction.

Based on data from the last State Government election, more than one third of voters in each of the Tweed and Lismore voting areas voted during pre-poll.

Further, reduction in the number of polling venues on election day that are within a 5km radius of one another could reduce costs without significantly reducing convenience for voters.

Note from LGNSW

This motion is consistent with LGNSW Policy Position 16.12 on reducing the cost of local government elections.

X4 Port Stephens Council

Ban developers on council

That Local Government NSW supports the adoption of a policy which prohibits property developers and real estate agents from holding office as local councillors in NSW.

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, 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 NSW Minister for Energy and Environment, 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 June 2021 the NSW Legislative Council voted to ban property developers from running for local councils; and property developers have an innate bias in planning decisions and allowing them to serve as local councillors erodes the ability of councils to make independent decisions on planning matters.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 16.7 which seeks to ban real estate agents and property developers from serving as councillors. Note, that if motion 19 is supported during the conference, this Category 2 motion from Port Stephens Council will no longer represent LGNSW's position.

X5 Wollongong City Council

NSW Electoral Commission disclosure process

That Local Government NSW works with the NSW Electoral Commission to simplify the confusing and repetitive disclosure processes for Councillors in NSW.

Note from Council

The current NSW Electoral Commission disclosure processes are convoluted and confusing, requiring multiple forms to be completed that are hard to distinguish between one another. The process online is also challenging with the documents requiring printing, signing and scanning. The assumption that all councillors in NSW have access to reliable internet services, printers and scanners adds to the stress of completing disclosure documents especially for newly elected councillors. It is also noted that reporting thresholds have never been indexed to inflation. One option to simplify the process could be to introduce a colour coded system and/or a single form that addresses the different legal requirements and categories.

Note from LGNSW

This motion is consistent with current LGNSW position 17.12 which calls on the NSW Government to improve accessibility and compliance outcomes by simplifying all forms and processes for candidates and public office holders and permitting documents to be signed and lodged electronically. This motion can be actioned by writing to the NSW Electoral Commission.

X6 Bega Valley Shire Council**Role of councils and election information**

That Local Government NSW:

1. Works with the State and Federal Government, including the Office of Local Government and the NSW and Australian Electoral commissions, to undertake a broad education campaign on an ongoing basis to increase the community awareness and understanding of:
 - a. the role and responsibilities of each level of government
 - b. the election processes for each level of government including details on what a ballot paper looks like, how above and below the line voting works, and how preferential voting works
 - c. the role of Councillors
2. Prioritises efforts to increase understanding on the above matters, particularly in the lead up to the 2023 Local Government elections.

Note from Council

The role of local Councils and elected Councillors, particularly in the lead up to an election can be unclear to the community. Informed residents are essential for a functioning democracy. When people understand the functions and responsibilities of different levels of government, they are better equipped to make informed decisions about their representatives and policies. Informed residents are also better able to hold their representatives accountable and are more likely to be engaged in decision making leading to a stronger sense of community.

It is hoped that a broad education campaign will help to clarify any confusion and ensure a healthy and functioning democracy.

Note from LGNSW

This motion is consistent with 2022 resolution 44 which called for an ongoing education program, particularly in the lead up to the 2024 local government elections, to increase the community awareness and understanding of the role of each level of government and election processes.

X7 Hawkesbury City Council**Escalating costs of local government elections**

That Local Government NSW calls on the NSW Government to investigate the issue of escalating costs of local government elections and determine methods to reduce costs or limit the financial burden for councils.

Note from Council

The 2024 Election Cost Estimate from the NSW Electoral Commission for Hawkesbury City Council represents a cost increase of approximately 17% compared to the costs incurred for the 2021 election. The Commission has also advised that the cost estimate is likely to increase further between the issue of the estimate in January 2023 and the conduct of the election in September 2024.

The Commission provided a brief summary of the reasons for the cost increase:

- Early voting centre rental costs
- Logistics costs
- Fuel levy for material deliveries and collections
- CPI increase
- Staff costs
- Growth in the number of electors
- Paper costs for ballot papers and printed rolls.

Council is concerned about the significant increase in the costs of engaging the NSW Electoral Commission to conduct its elections, and contacted the Electoral Commission to request more detailed information about the calculations used for the estimate and the reasons for the cost increases. The requested information was not received.

Alternative options for NSW councils to conduct elections are limited, as only a small number of alternative service providers exist, and any potential cost savings found by engaging an alternative provider are likely to be cancelled out by the amount of staff time and additional equipment and resources that councils are generally required to commit. It is also recognised that the level of public trust in the NSW Electoral Commission may be higher than that awarded to a commercial provider.

Note from LGNSW

This motion is consistent with position 16.12 of the LGNSW Policy Platform: Reduce the cost of conducting local government elections.

X8 Byron Shire Council

Ethical investments

That the Local Government NSW Conference:

1. Recognises the importance of Council autonomy in making investment decisions with ratepayer funds.
2. Requests that the NSW Government directly create more ethical and fossil fuel free investment options for Councils.

Note from Council

Council's ability to invest funds it holds, but not immediately required, is governed by Section 625 of the Local Government Act 1993. Principally Section 625 requires Councils to only invest funds in the form of investment 5 notified by Order of the Minister.

The last Ministerial Investment Order for Councils in NSW to use was issued in January 2011 and this Order is still the Order in place today. This Order limits the ability of Councils to invest funds and followed the fallout of the Global Financial Crisis (GFC) where Councils lost money invested mainly in investments known as Collateralised Debt 10 Obligations (CDOs) that collapsed.

The Ministerial Investment Order now in place issued over 12 years ago limited Councils to invest in the following:

- Public funds or securities issued by or guaranteed by the Commonwealth, any State of the Commonwealth or Territory.
- Interest bearing deposits or bonds issued by authorised deposit-taking institution as defined by the Banking Act 1959 (Commonwealth), excluding subordinated debt obligations.
- Deposits with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

The above restrictions have meant:

- Councils cannot invest overseas
- Councils cannot invest in shares
- Councils cannot invest in managed funds except those of New South Wales Treasury Corporation.

Councils who accessed the low interest loan facility offered by New South Wales Treasury Corporation gained substantial financial advantage with refinanced loans and new loans but those loans came with conditions in addition to the Ministerial Investment Order, as to where, and limits on Council investing funds. At the same time many Councils want to invest in environmentally and socially responsible investments consistent with their investment policy.

As an example, the effect of the NSW Treasury Corporation Loan conditions meant that Byron Council was limited to a maximum of 30% of its investment portfolio being invested in financial institutions with a credit rating of BBB+ to BBB and 5% in BBB- or below. This meant the majority of Council's investments needed to be held with financial institutions that had a credit rating of A- (maximum 40%) or up to 100% in A+ to AAA credit ratings. Most financial institutions with credit ratings of A- and above have links to fossil fuels through lending or other means. These same financial institutions though from time to time do issue investment opportunities that support environmental and socially responsible activities to which Council has invested when able.

Byron Shire Council has received written correspondence from NSW Treasury to remove these investment restrictions. This is to be applauded and congratulated. It is unclear whether other councils receiving these T-Corp loans have had their investment restrictions removed.

This does not solve the further restrictions that remain in the Ministerial Investment Order. It was understood that in 2020 the NSW Office of Local Government reported it was intending to work with NSW Treasury and NSW Treasury Corporation to review the Ministerial Investment Order, however where that has got to is unknown. In that regard the intent of this Notice of Motion therefore is supported.

While councils should ensure they are not taking excessive risks with ratepayer funds, like what happened with many councils around the Global Financial Crisis, councils do need the power to manage ratepayer money in the ethical and environmental interests, as well as the financial interests, of their ratepayers.

Note from LGNSW

This motion is consistent with resolution 55 of the 2022 Special Conference (Allow councils to place their investments and loans with sustainable investments, requests TCorp make available the information and options required for councils to invest and borrow in line with this position).

X9 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.

Note from LGNSW

This motions is consistent with resolution 19 of the 2022 Annual Conference regarding reducing audit costs and meeting timeframes.

X10 Byron Shire Council Recognition of deputy mayors as a category in the remuneration framework

That Local Government NSW advocates to the Local Government Remuneration Tribunal to formally recognise Deputy Mayors as a distinct category within the local government remuneration framework.

Note from Council

Deputy Mayors undertake significant responsibilities, including representing the Mayor in their absence, chairing committees, and playing a pivotal role in decision-making and advocacy.

These duties often demand extensive time, effort, and expertise beyond their role as a Councillor. The Local Government Act 1993 s249(5) provides that:

“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.” This provision does not appropriately or equitably recognise the increased responsibilities of the Deputy Mayor on a day to day basis.

The current remuneration structure fails to account for the instances where the Deputy Mayor is required to step in and/or support the Mayor, not just during periods of absence, but also during times of heavy workload or emergencies. These situations often demand the Deputy Mayor's immediate attention, involvement, and leadership.

To adequately address this gap, we request that LGNSW advocates to the Local Government Remuneration Tribunal to establish a remuneration structure that recognises the distinct role and contributions of Deputy Mayors.

Note from LGNSW

This motion is consistent with position 18.6 of the LGNSW Policy Platform which calls for dedicated remuneration for deputy mayors, in recognition of increasing deputy mayoral duties.

X11 Clarence Valley Council Review of s248 and s249 of the Local Government Act

That Local Government NSW lobbies the NSW Government to undertake a review of s248 and s249 of the Local Government Act to remove the need for councils to approve the annual remuneration increase for mayors, deputy mayor and councillors as determined by the NSW Local Government Remuneration Tribunal.

Note from Council

Councils are currently required to vote on and approve the annual remuneration increase for mayors, deputy mayor and councillors as determined by the NSW Local Government Remuneration Tribunal under sections s248 and s249 of the Local Government Act

Note from LGNSW

This motion is consistent with position 18.4 of the policy platform which calls for removing reference to maximum and minimum fees payable, so that the Local Government Remuneration Tribunal determines the actual annual remuneration for councillors and mayors.

X12 City of Newcastle 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.
4. Notes this 'opt-in' model allows the politicisation of superannuation; and
5. Calls on the NSW Government to legislate for the compulsory payment of the Superannuation Guarantee Contribution for elected local government councillors and mayors.

Note from Council

Following an amendment to the Local Government Act 1993 (the Act) in 2021, councils may make payments as a contribution to a superannuation account nominated by their councillors.

The making of superannuation contribution payments for councillors is optional and is at each council's discretion.

To exercise the option of making superannuation contribution payments for their councillors, councils must first resolve at an open meeting to make superannuation contribution payments for the councillors.

Where a council resolves to make superannuation contribution payments for its councillors, the amount of the payment is to be the amount the council would have been required to contribute under the Commonwealth Superannuation Guarantee (Administration) Act 1992 as superannuation if the councillors were employees of the council.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 18.7 which advocates for the NSW Government to 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).

X13 Bland Shire Council

Emergency services levy – recognition on council rate notices

That should the NSW Government fail to restore the Emergency Services Levy subsidy for 2023:

1. Local Government NSW seeks the State Government's agreement for Councils within NSW to recognise the Levy as a separate and additional cost on rates notices
2. The amount Councils are required to pay to meet the ESL charges imposed by the State Government not be included in the overall general rate incomes but as a standalone levy, similar to Water and Sewer fees.

Note from Council

The Emergency Services Levy (ESL) is a cost imposed on councils and the insurance industry to fund the emergency services budget in NSW. The majority is paid as part of insurance premiums, with a further 11.7 per cent picked up by councils and 14.6% by the State Government itself. The levy increase for the State's 128 councils in 2023/24 alone sits just under \$77 million.

By having the ESL clearly identified on Council rate notices it will be made clear to ratepayers that the levy is not a Council charge but one of the many fees Councils are expected to collect on behalf of the State Government.

This step will assist as Councils face increasing pressure to be transparent in their activities on behalf of the community and ensure those communities understand the demands on Local Government to act as agents for the State.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 1.9 and is the subject of recent and ongoing advocacy. LGNSW has long advocated for the introduction of a broad-based property levy to replace the Emergency Services Levy on both insurance policies and councils, with NSW now the only state that does not fund its emergency services through a broad-based property levy.

X14 City of Newcastle**Emergency services levy subsidy**

That Local Government NSW:

1. Notes that many councils' forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, resulting in additional financial stress.
2. Notes the unexpected cost is due to absorb almost all IPART-approved rate rises for this year and in some cases absorb more than 100%, for many councils.
3. Acknowledges this is placing local government budgets under enormous pressure as they struggle from the combined impact of the pandemic, extreme weather events, high inflation, and wage increases.
4. Notes IPART-approved rate rises are intended to compensate for the impacts of inflation and increases in Council costs. Instead, the rate increase will have to be largely diverted to the significantly higher ESL payments this year.
5. Acknowledges that NSW councils will have no option other than to make cuts to infrastructure and services expenditure.
6. Notes that if the NSW Government's decision is not reversed, the potential impacts on councils' services, infrastructure maintenance and delivery include:
 - a. Deterioration of road and stormwater infrastructure
 - b. Reduction in the number of community programs run from public halls and libraries
 - c. No ability to deal with emergent environmental issues.
7. Notes the previous NSW Government had not accounted for any further subsidies in their forward estimates, which IPART needed to consider as a part of their determination.
8. Notes the timing of this development is particularly challenging for local Councils as it came so late in the local government budgeting cycle, well after IPART's rate determination for the coming financial year.
9. Acknowledges that all councils strongly support a well-funded emergency services sector and the critical contribution of emergency services workers and volunteers (many of whom are Councillors and Council staff). However, it is essential that these services be supported through an equitable, transparent, and sustainable funding model.
10. Calls on the NSW Government to reinstate the ESL subsidy, noting the financial sustainability impacts of the ESL on the Local Government sector, and to work towards an appropriate solution to ensure the ongoing financial sustainability of local councils.

Note from Council

The NSW Government collects funds under the Emergency Services Levy Act 2017 from local councils, insurance companies and foreign insured policy holders, to support the work of emergency services in NSW. Revenue NSW started administering the ESL in 2017. Previously, these funds were collected by the Office of Emergency Management, now known as NSW Reconstruction Authority. Local government contributes 11.7% of the costs of fire and emergency services in NSW. Insurers contribute the levy that is collected as part of insurance premiums.

Note from LGNSW

This motion is consistent with current LGNSW position on the ESL (position 1.9 which calls for the introduction of a broad-based property levy to replace the Emergency Services Levy) and resolution 10 of the 2022 Special Conference. It is also consistent with ongoing LGNSW advocacy.

X15 Lake Macquarie City Council**Increase in emergency services levy costs**

That Local Government NSW calls on the NSW Government to take immediate action to:

- a. Restore the ESL subsidy in 2023-2024;
- b. Urgently introduce legislation to exclude the ESL from the rate peg to enable councils to recover the full cost; and
- c. Develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.

Note from Council

The ESL is a cost imposed on councils and insurance policy holders to fund the emergency services budget in NSW. The majority is paid as part of insurance premiums, with a further 11.7 per cent funded by councils and 14.6 per cent by the NSW Government. The ESL represents cost-shifting at its worst, as it is imposed on councils without any mechanism for councils to recover costs.

The levy increase for the State's 128 councils in 2023-2024 amounts to almost \$77 million, with the total cost imposed on the local government sector increasing from \$143 million in the 2022-2023 financial year to \$219 million in 2023-2024. This represents a 53.1 per cent increase, completely dwarfing the base rate peg of 3.7 per cent, as set by the Independent Pricing and Regulatory Tribunal (IPART) for 2023-2024.

The increase in costs this year reflects a 73 per cent increase in the State Emergency Service budget and an 18.5 per cent funding increase to Fire and Rescue NSW. The impact of these large increases on councils' finances will be particularly severe in 2023-2024 as a result of the NSW Government deciding to scrap the subsidy for council ESL payments.

Councils support a well-funded emergency services sector and the critical contribution of emergency services workers and volunteers (many of whom are councillors and council staff). However, it is essential that these services be supported through an equitable, transparent and sustainable funding model.

Note from LGNSW

This motion is consistent with current LGNSW position on the ESL (position 1.9 which calls for the introduction of a broad-based property levy to replace the Emergency Services Levy) and resolution 10 of the 2022 Special Conference. It is also consistent with ongoing LGNSW advocacy.

X16 Kyogle Council**Emergency services levy on insurance**

That Local Government NSW advocates on Councils' behalf to abolish the emergency services contributions applied to all insurable property.

Note from Council

The State Government collect funds under the Emergency Services Levy Act 2017 from local councils, insurance companies and foreign insured policy holders to support the work of emergency services in NSW.

Whilst the support of our emergency services is important, there appears to be some "double dipping" into the pockets of NSW residents. Revenue NSW started administering the Emergency Services Levy from 1 July 2017. Previously, these funds were collected by Office of Emergency Management, now known as the NSW Reconstruction Authority.

The mandate of the NSW Reconstruction Authority is to facilitate disaster prevention, preparedness, recovery, reconstruction and adaptation to the effects of natural disasters in NSW.

The Emergency Services Levy (ESL) is applied according to Schedule 2 of the Act with the relevant proportion.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 1.9 (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).

X17 Coolamon Shire Council**Emergency services funding reform**

That Local Government NSW adopt the position and advocate for a more equitable and sustainable method to fund the emergency services. That funding for the Emergency Services be applicable to all land (without exception) within NSW, as all land is susceptible to and requires the relevant services in an emergency.

Note from Council

The way Emergency Services are run in this State needs to be reviewed. This position is not about how or who undertakes the important front line emergency response work, but more how it is paid for. This proposed review of our emergency services relates solely to the financial management of this extremely important and essential service.

The current method of paying for and managing our emergency services is unsustainable.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 1.9 and is the subject of recent and ongoing advocacy. LGNSW has long advocated for the introduction of a broad-based property levy to replace the Emergency Services Levy on both insurance policies and councils, with NSW now the only state that does not fund its emergency services through a broad-based property levy.

X18 Cootamundra-Gundagai Regional Council**Financial assistance grants**

That Local Government NSW continues to lobby/advocate to the Government by whatever means available to achieve an increase of Financial Assistance Grants to at least 1% of total Commonwealth taxation revenue.

Note from Council

Obviously, this is not new for local government. With a diminishing revenue base like most Councils in rural/regional NSW, the expectations of our communities continues to rise in contrast to our ability to satisfy these community expectations. Additionally, it is common for other levels of government to place additional responsibilities on local government without any corresponding allocation of resources. An increase in the annual Financial Assistance Grants to 1% of Commonwealth taxation revenue would result in an injection of untied funding that would allow councils to maintain and renew infrastructure to required standards, provide essential services and respond to often valid requests for service levels expected by our communities. It is common knowledge that Financial Assistance Grants were originally introduced with a platform of 1.2% of personal income tax revenue, earmarked to increase to 2.0%. This has never occurred and in fact currently Financial Assistance Grants sits at around 0.5% of Commonwealth taxation revenue.

Note from LGNSW

This motion is consistent with position 1.3 of the LGNSW Policy Platform: Financial Assistance Grants to be increased to at least 1% of total Commonwealth taxation revenue.

X19 Upper Hunter Shire Council**Increased assistance grants**

That:

1. Local Government NSW continues to lobby for increased assistance grants provided to councils;
2. When Local Government NSW is successful in gaining a greater grant amount for councils, that it lobbies the Grants Commission to apply the method of distribution towards an increased amount to rural councils who have historically received less from the Grants Commission's present distribution formula.

Note from Council

Local government has not been getting its fair share of funding.

This motion seeks to increase the pool of funding and once increased, ensure that rural councils are adequately funded to address the discrepancy between metro and rural funding that exists at present.

Note from LGNSW

This motion is consistent with current LGNSW Policy Platform positions 1.3 (Financial Assistance Grants to be increased to at least 1% of total Commonwealth taxation revenue) and 1.4 (a review of the allocation methodology for Financial Assistance Grants).

X20 Strathfield Council**Increasing the annual federal funding for financial assistance grants**

That Local Government NSW :

1. Reminds the Federal Government of its role in maintaining and supporting the operational capacity of local councils to deliver crucial services and infrastructure to the residents and citizens of Australia.
2. Expresses concerns to the Federal Government over the impact of insufficient Financial Assistance Grants on the quality of services, infrastructure maintenance, and the overall well-being of local communities.
3. Strongly lobbies the Australian Government to increase financial assistance grants to local councils in order to:
 - a. Assist local councils with the necessary resources to meet the needs and expectations of their communities.
 - b. Enable local councils to effectively address emerging challenges and deliver essential services without compromising their fiscal stability.
 - c. Ensure a sustainable and equitable financial partnership between the Australian Government and local councils, fostering community growth and development.

Note from Council

The Federal Government's Financial Assistance Grants are a vital supplementary funding source that plays a critical role in bolstering Local Councils' ability to provide essential services and uphold community well-being. The Federal Government carries a significant responsibility in ensuring Local Councils' operational capacity to deliver essential services and infrastructure to the people of Australia. Therefore, it is imperative that financial assistance grants are allocated at an adequate level to sustain local government efforts in delivering high-quality services, maintaining infrastructure, and enhancing the overall welfare of local communities.

Note from LGNSW

This motion is consistent with current LGNSW Policy Platform Positions 1.3 and 1.4, which call for Financial Assistance Grants to be increased to at least 1% of total Commonwealth taxation revenue, and their allocation methodology to be reviewed.

X21 Upper Lachlan Shire Council**Financial assistance grants**

That Local Government NSW requests that the NSW State Government and the Local Government Grants Commission to work with the sector to review the criteria for the allocation of Financial Assistance Grants to Council. Such a review to establish more recognition to less resourced Councils – particularly those that do not have an opportunity to increase income beyond already stretched ratepayers.

Note from Council

Explanation – Upper Lachlan Shire Council is a small agricultural reliant rural council in the Southern Tablelands. We have a small number of ratepayers compared with most councils in NSW. Couple this with a large geographic area of 7,214 square kilometres, 2,000 kilometres of road length to maintain and only have 6,524 rateable assessment properties and Shire population of 8,539. The total general ordinary rates income generated annually is only \$8.64 million. The average ratepayer in Upper Lachlan live 350 metres apart compared in the cities where ratepayers live less than 20 metres apart. There are many issues Council may raise in relation to affordability and limited ability to pay on a socio-economic basis, refer to ABS data, in comparison to regional and city population, this should form part of the review. Upper Lachlan Shire Council has an ageing population with 42.8% of the population being aged 55 years of age and over which is one indicator of the greater need for financial assistance relative to other councils in regional towns and cities in NSW.

The current funding model criteria has been in place for many years and it is now time to undertake a zero based review that focuses on all aspects of financial sustainability, affordability and ability of rural areas to pay being less than large geographical centres. The Local Government Grants Commission requires funding model changes to direct funds to councils with the greatest financial and highest relative need.

Note from LGNSW

This motion is consistent with current LGNSW Policy Platform Positions 1.3 and 1.4, which call for Financial Assistance Grants to be increased to at least 1% of total Commonwealth taxation revenue, and their allocation methodology to be reviewed.

X22 Muswellbrook Shire Council**Financial Assistance Grants to be increased**

That Local Government NSW advocates for consideration of increasing the apportionment of unfettered operational grant funding within the overall Federal grant allocation. That is, Local Government NSW advocates for a greater percentage of overall grant allocations to be directed towards Financial Assistance Grants. This will assist to secure the operational financial sustainability of councils.

Note from Council

More grant funding to be provided for unfettered operational purposes. as opposed to project specific capital grants, where new assets are constructed and must be depreciated and renewed/replaced over time.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 1.3 (Financial Assistance Grants to be increased to at least 1% of total Commonwealth taxation revenue).

X23 Lithgow City Council Restoration of FA Grants allocation of 1% of Commonwealth tax revenue

That Local Government NSW advocates to the Australian Government for financial assistance that better reflects the expectation that Councils manage around 90% of the entire NSW road network while also balancing the broader needs of diverse communities. Restoration of the prior FAG allocation of 1% of Commonwealth tax revenue is an essential starting point. Horizontal equalisation is also important to ensure that a council is funded for the true cost of delivering a service in their circumstances (regions and rural areas are more costly yet this is not fully accounted for in the funding approaches used today).

Note from Council

We are asking for increased financial support from the Australian Government to better reflect the responsibility of managing the majority of NSW's road network and address the diverse needs of communities. One key aspect is ensuring that councils receive adequate funding based on the actual cost of delivering services in different regions, including rural areas.

Note from LGNSW

This motion is consistent with current LGNSW Policy Platform Positions 1.3 and 1.4, which call for Financial Assistance Grants to be increased to at least 1% of total Commonwealth taxation revenue, and their allocation methodology to be reviewed.

X24 The Hills Shire Council Review of stormwater levy

That Local Government NSW calls on the NSW Government to review Section 125AA of the Local Government (General) Regulation 2005 and increase the Stormwater Levy and that thereafter an annual indexation in line with the Producer Price Index apply to that amount.

Note from Council

In July 2006, the then Department of Local Government issued the Stormwater Management Services Guidelines which provides Councils with guidance related to levying the charge and allocating expenditure for stormwater management services to eligible privately owned land.

The Guidelines use the maximum annual charges detailed in Section 125AA of the Local Government Regulation 2005 itemised below.

Below is an extract of Section 125AA of the Local Government (General) Regulation 2005 which specifies the maximum annual charge for stormwater management services (the Act, section 510A) that Council can levy. The maximum annual charge for stormwater management services that may be levied in respect of a parcel of rateable land is:

- a. for land categorised as residential (other than land referred to in paragraph (b))—\$25, and
- b. for a lot in a strata scheme that is categorised as residential—\$12.50, and
- c. for land categorised as business (other than land referred to in paragraph (d))—\$25, plus an additional \$25 for each 350 square metres or part of 350 square metres by which the area of the parcel of land exceeds 350 square metres, and
- d. for a lot in a strata scheme that is categorised as business—the greater of the following:
 - i. \$5, and
 - ii. the relevant proportion of the maximum annual charge that would apply to the land subject to the strata scheme if it were a parcel of land subject to paragraph (c).

Section 510A of the Local Government Act 1993 No. 30 states the annual charge for the provision of stormwater management services for a parcel of land in respect of which such a charge may be levied must not exceed the maximum annual charge prescribed by the Local Government (General) Regulation 2005.

The amount fixed by the Regulation has not increased since it was implemented, while Council's responsibilities and related costs have grown disproportionately, particularly in recent years.

Note from LGNSW

This motion is consistent with 2022 Special Conference Resolution 249, that calls upon the NSW State Government to review the pricing and associated guidelines for the NSW Stormwater Management Services Charge.

X25 Lake Macquarie City Council**Prioritisation of project percentage grant funding**

That Local Government NSW advocates to the NSW Government to prioritise the consideration of providing grant funding on a project percentage basis for major projects with a capital value of \$5 million or more.

Note from Council

In 2022, this conference supported a motion from Lake Macquarie City Council asking the then NSW Government to consider providing grant funding on a project percentage basis. With a change of government having since taken place, and councils across the state still struggling to deliver major projects within budget due to inflationary pressures, this motion seeks to elevate this matter to a priority for the new NSW Government. 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 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. The Consumer Price Index has remained well above the target range since mid 2021 and the high cost of materials and labour have continued to drive up project costs, significantly beyond what would otherwise be considered reasonable contingency ranges built into council budgets.

Shifting to a funding model that recognises project risks related to commencement and planning delays, inflationary impacts and latent project conditions, could ensure councils are not left with the burden of delivering projects that become unaffordable due to external factors beyond their control. This motion suggests a partnership approach for major projects with a capital spend of \$5 million or more that is based on a percentage of the project cost, rather than funding being awarded at a fixed amount, so that project risks are shared and mitigated.

Note from LGNSW

This motion is consistent with resolution 14 of 2022, which called on the NSW Government to provide grant funding on a project percentage basis.

X26 City of Parramatta Council**Increasing the stormwater management service charge**

That Local Government NSW:

- a. Advocates to the NSW Government to increase the Stormwater Management Service Charge that has been capped since its introduction, and apply an appropriate annual indexation linked to Council's rate peg value.
- b. Further, that the Stormwater Management Service Charge should be increased in the 2024/25 financial year to commence at;
 - \$30 per residential lot;
 - \$18.50 per strata lot; or,
 - \$30 per 350 m² of commercial / industrial lot or part thereof.

Note from Council

In 2005 the NSW Local Government Act 1993 was amended to allow councils to levy a Stormwater Management Service Charge to improve stormwater management. Amendments to the Local Government (General) Regulation 2005, came into force in April 2006, to provide the requirements for this charge. The objective was to develop sustainable funding to support local government's key role

in the management of stormwater. Stormwater management is managing the quantity and quality of stormwater runoff from a catchment with the aim of; minimising impacts on aquatic ecosystems; minimising flooding; and using stormwater as a resource. Since its introduction the annual Stormwater Management Service Charge has been capped at:

- \$25 per residential lot;
- \$12.50 per strata lot; or,
- \$25 per 350 m² of commercial / industrial lot or part thereof.

With increased densification and decrease in catchment permeability, plus greater focus on improving the health of our waterways, councils are facing higher costs to manage stormwater. However, the revenue collected from the Stormwater Management Service Charge is not keeping pace with increasing construction and management costs.

Note from LGNSW

This motion is consistent with resolution 85 of the LGNSW 2022 Special Conference which called for the review of the NSW Stormwater Management Service Charge. LGNSW can action this by writing to the NSW Government.

X27 Port Stephens Council

Cap on council infrastructure contributions

That Local Government NSW advocates to the NSW Government to conduct a review of the \$20,000 cap with a view towards allowing councils to increase its infrastructure contributions above the cap if its infrastructure contributions plan can justify the increase, in light of increasing costs and increasing community demands on Council infrastructure.

Note from Council

The current \$20,000 cap on Council infrastructure contributions has not increased in a long time and is at a cap that makes it difficult to adequately fund and resource the community infrastructure required to build our local communities.

Council is seeking a review of the cap.

Note from LGNSW

This motion is consistent with current and longstanding LGNSW Policy Platform position 3.6 which calls for the removal of the cap on development contributions, and is in line with 2020 resolution 65 which also reiterated LGNSW position on the removal of the cap on developer contributions.

X28 Georges River Council

NSW government to review and introduce a Developer Contributions Scheme

That Local Government NSW petitions the NSW government to review and introduce a Developer Contributions Scheme which is commensurate with the infrastructure needs of the LGA.

Note from Council

A key point of concern with the community is the lack of both local and state infrastructure provided to support population growth in areas which undergo renewal. This concern contributes to anti-development sentiment in communities and in turn delays or reduces the potential supply of housing as communities resist change. Councils are limited in its ability to provide the required infrastructure and allay these concerns in several ways.

The threshold of \$20,000 per dwelling for Section 7.11 contributions above which Council must seek approval from IPART causes significant shortfalls in Councils contributions plan funding. The alternative, taking the proposed contributions plan to IPART, is a long process with no guarantee of success, and also requires the removal of many important infrastructure types from the contributions

plan. This threshold has not been changed since its inception over 10 years ago and should at the least be indexed to an appropriate building costs index over time to reflect the changing cost of providing infrastructure.

Further, if Councils wish to require contributions above the threshold and submit a plan to be assessed by IPART, the essential works list on which those plans are assessed should include the provision of community facilities. These are key community infrastructure which support growth.

On a State level, the new Housing and Productivity Contributions do not provide enough surety that state infrastructure will be provided close to the areas where the contributions are collected, which will exacerbate any concerns in the community regarding the under provision of infrastructure in response to additional development.

Proponent led planning proposals present Councils with risk regarding funding the required infrastructure to support the proposal. Councils cannot account for the additional population that is generated by these proposals in section 7.11 contributions plans, so any further infrastructure required will not have been accounted for. Further, given that the previously discussed \$20,000 threshold on the contributions that can be charged per dwelling, every additional dwelling beyond the assumptions within those Plans increases the shortfall in funding for the delivery of infrastructure. Given the scale of development typically seen with planning proposals far exceeds the assumed population growth for any particular site, Councils will be seeing a larger shortfall than they have accounted for in the development of their Section 7.11 Plans and will find it difficult to fund the required infrastructure.

This risk is further compounded by the voluntary nature of planning agreements. Councils typically look to planning agreements to solve the infrastructure demand that cannot be accounted for in Section 7.11 Plans. However, the voluntary nature of these agreements presents a risk to Council. A scheme which required agreements to be made where certain thresholds relating to population or density increases had been reached should be considered. This scheme could clearly define a method for all Councils to use to determine the value and type of infrastructure required by those proposals, which would be more open and transparent to developers, the general public, and allow Councils the surety that with any increase in population that the relevant infrastructure would be funded.

Note from LGNSW

This motion is consistent with current LGNSW positions 3.5, 3.6 and 3.7 which call for sufficient local infrastructure funding through development contributions, voluntary planning agreements and value capture mechanisms; the removal of the cap on development contributions; and ensuring that any reforms to the infrastructure contributions system do not adversely affect councils or their communities. The motion is also consistent with 2020 Resolution 65 which called for support the use of value capture to help fund public infrastructure; removal of the cap on developer contributions; and a single threshold of \$45,000 for all s7.11 contributions, if a cap on developer contributions is to be applied.

X29 Shoalhaven City Council Adverse cash flow positions caused by need to grant funds in advance

That Local Government NSW urges the NSW State Government to review the structure of its grant funded programs, to provide for advance payment to be provided by the state government to local government, allowing local government to draw down on these grant funds without using existing cash reserves and adversely impacting on local government cash flow positions.

Note from Council

The current system of state government grant funding requires grant funded projects to be funded in tranches by local government with the funds expended in those tranches acquitted and paid by state government after the expenditure has occurred.

This forces local government to temporarily use existing cash reserves to fund the tranche of work until such time as the funds are remitted by state government. The result of these funds spent in advance is that local government cash flow positions are eroded unsustainably, threatening their ability to provide much needed services and facilities to the community.

It would assist local government significantly if these tranches of funding could be provided in advance of expenditure occurring, allowing local governments to rely upon the state government funding tranche without temporarily burdening the community.

Note from LGNSW

This motion is consistent with resolution 18 of the 2022 Annual Conference which called for stimulus and other funding initiatives by the Federal or State Governments to be paid in full, up front, to avoid councils experiencing cash flow issues.

X30 Federation Council

Grant funding

That Local Government NSW lobbies the State and Federal Government for a more aligned approach to their grant funding schemes to allow Councils to better take advantage of required funding.

Note from Council

Local Government continues to be held back from delivering infrastructure and services to their communities through funding opportunities from State and Federal Government not being aligned.

This is both in terms of timing of grants, including release and assessments and in alignment of grants, eg eligible projects and criteria.

If funding in areas such as stronger communities, regional precincts, disaster response, recovery and mitigation, had more alignment, it would greatly assist in on ground outcomes.

Note from LGNSW

The motion is consistent with LGNSW Policy Platform position 3.1 - Effective coordination of State and Commonwealth funding programs where co-contribution is required, as well as resolution 13 of the 2019 Annual Conference (reasonable timeframes for councils to submit applications for projects, and reasonable timeframes for project completion.)

X31 Hawkesbury City Council

Grant funding – future costs of grant funded facilities

That Local Government NSW lobbies the State and Federal Governments to enact changes to relevant legislation around grant funding, to allow Councils to quarantine and utilise a percentage of funds received, to be used for future operating costs, maintenance and renewal of facilities provided for by that grant funding.

Note from Council

Capital investment via grant funding (for example, WestInvest funding in the Western Sydney area) enables new and improved assets to be built. However, there is generally no provision for the costs of operating, maintaining and renewing these assets in the future. Even if an amount for contingencies is included in original costing this is allocated to the phase of construction or upgrade, not for future use.

If a Council does not have sufficient funds in general revenue to fund the operating costs, or any maintenance, repairs or upgrades required, the burden will fall on ratepayers either via special rate variations, or borrowings which will have to be paid back, potentially by future generations. Principles of local government decision-making include ensuring best outcomes for the local community including future generations.

The existence of rate capping, particularly in NSW where it currently sits below inflation rates, restricts the amount of own source revenue generated by Councils. In smaller Councils with limited scope to grow, this can be an issue. If provision was made for a percentage of grant funding for capital expenditure to be quarantined and invested for future use, the risk of burdening ratepayers to fund operational and maintenance costs would be minimised.

Note from LGNSW

This motion is consistent with resolution 45 of 2020 (a change to State and Federal Government funding regimes to include acceptance of a strong case for part funding of maintenance on construction projects over \$100 million for city councils and \$20 million for rural and regional councils, and establishment of a 'means test' or equivalent to apply maintenance funding).

X32 Bega Valley Shire Council

Grants flexibility and visibility

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.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 3.1 (Effective coordination of State and Commonwealth funding programs where co-contribution is required) and resolution 13 of 2019 (reasonable timeframes for councils to submit applications for projects, and reasonable timeframes for project completion). LGNSW can action this by writing to the NSW Government.

X33 Shoalhaven City Council**Infrastructure provided with large capital NSW state government projects**

That for large capital projects undertaken by the NSW State Government, infrastructure provided as part of the project include appropriate housing infrastructure for associated key workers that will be required to staff and service those facilities.

Note from Council

Large capital projects, such as hospitals, sporting facilities, educational facilities and the like, drive the need for key workers to staff and service those facilities. Currently, infrastructure such as car parking, public open spaces, landscaping, and traffic facilities are universally accepted as essential adjuncts to large capital infrastructure. Similarly, we see that in a contemporary setting, nearby and appropriate housing infrastructure for the associated key workers at these facilities is also an essential adjunct. In the current context of a national housing shortage, the provision of key worker housing such as this needs to be costed and budgeted for in all state government large capital infrastructure projects.

Note from LGNSW

This motion is consistent with current LGNSW Policy Platform position 8.9 which calls for the State Government to work with regional and rural councils to find solutions to address housing pressures associated with major infrastructure and state significant developments. LGNSW has been advocating on this matter to the NSW Government. LGNSW can further action this motion by writing to the Government setting out this motion and continuing its advocacy on this matter.

X34 City of Parramatta Council**Australian citizenship ceremony program**

That Local Government NSW:

1. Calls on the Federal Government to provide clarity on the role of councils in supporting the delivery of Australian Citizenship Ceremonies on behalf of the Federal Government;
2. Advocates to the Federal Government to establish funding support to councils to deliver the growing Citizenship Ceremony program on their behalf; and
3. Calls on the NSW Government and the Australian Local Government Association (ALGA) to also make representations to the Federal Government on this issue.

Note from Council

The Department of Home Affairs provide councils the opportunity to host Australian Citizenship Ceremonies on their behalf, to welcome new citizens into their local communities in line with the Australian Citizenship Ceremonies Code.

The Department of Home Affairs continues to reduce its program delivery, resulting in councils experiencing increased pressure to support growing citizenship programs, particularly in Western Sydney. Councils do not receive funding or grant support from the Federal Government to conduct this activity, resulting in councils incurring increased costs.

Residents are often unclear on Citizenship Ceremony Program ownership, and if the responsibility lies with the Australian Government (Department of Home Affairs) or local councils, and this impacts on the customer experience and council reputation.

Note from LGNSW

This motion is consistent with position 19.2 (increased support for councils that welcome multicultural communities, including through funding for councils' roles, responsibilities and activities that support multicultural communities and promote social cohesion). LGNSW can action this by writing to the Australian Government.

X35 Wollondilly Shire Council**Pensioner council rates rebates**

That Local Government NSW lobbies the Minister for Local Government for an increase in the NSW Government's portion of the Mandatory Pensioner Rebate Subsidy from 55% to 100% (i.e. fully funded).

Note from Council

The NSW Government pensioner rebate for council rates has not increased in 25 years. 13% of Council's 21,000 rate assessments attract the Mandatory Pensioner Rebate for which the state government provides a 55% subsidy, the unfunded portion of the rebate represents a significant budgetary impost upon Council. In Council's opinion an increase in the mandatory rebate is timely and long overdue. We seek LGNSW's support on this issue.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform positions: 1.1, 1.5 and 1.6 dealing with financial sustainability. It is also consistent with category 2 motions X7 and X8 of the 2022 Annual Conference which call for the NSW Government to increase and fully fund pensioner rate rebates.

X36 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 LGA's is for the NSW Government to fully fund pensioner rebates.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform positions: 1.1, 1.5 and 1.6 dealing with financial sustainability. It is also consistent with category 2 motions X7 and X8 of the 2022 Annual Conference which call for the NSW Government to increase and fully fund pensioner rate rebates.

X37 Clarence Valley Council**Increasing the state government pensioner rate rebate**

That Local Government NSW lobbies the NSW Government to increase the State Government Pensioner Rate Rebate for eligible pensioners to reflect CPI increases since the rebate amounts were established and look to adjust the rebate annually, in line with future CPI increases.

Note from Council

The Clarence LGA is a favoured destination for retirees, many of whom are eligible pensioners who face increasing council rate burdens. As the number of pensioner rate assessments increase year on year this creates an ever increasing financial burden on the pensioner ratepayers. It is considered timely to make representations to the State Government to redress this situation.

Note from LGNSW

This motion is consistent with 2022 Annual Conference category 2 motion X7 which seeks immediate restoration of indexation of the pensioner rebate, as well as the NSW Government to fully fund the entire cost of the rebate and alleviate the cost burden on councils.

X38 City of Parramatta Council**Pensioner concessions on council rates and charges**

That Local Government NSW:

1. Notes the history of cost shifting by state and federal governments to local councils, which is one of the most significant problems faced by councils in NSW, adversely affecting our ability to help our communities prosper.
2. Notes the increasing cost of living crisis facing Australians, and the significant impact this has on our communities, particularly pensioners, with many pensioners forced to make difficult choices, such as cutting back on essential items like food and medication, to make ends meet.
3. Notes that the payment of the pension is the responsibility of the Federal Government, designed to support the basic living standards of many Australians.
4. Noting these issues, calls on the Federal Government to fully fund the concessions available to eligible pensioners for their ordinary rates and domestic waste management service charges, or at a minimum, fund the 45 percent of the concessions currently borne by local councils, removing this unfair obligation on and cost-shift to local councils.
5. Calls on the NSW Government and the Australian Local Government Association (ALGA) to also make representation to the federal Government on this issue.

Note from Council

Under the Local Government Act 1993 – SECT 575, eligible pensioners are provided concessions on their ordinary rates and domestic waste management services charges.

The cost of providing these concessions is shared between the State Government (55%) and local councils (45%).

The Local Government (General) Regulation 2021 defines “eligible pensioners” as:

- the holder of one of the following: o Pensioner Concession Card (PCC) o DVA Gold Card embossed with ‘TPI’ (Totally Permanently Incapacitated) o DVA Gold Card embossed with ‘EDA’ (Extreme Disablement Adjustment), or
- a war widow/er or wholly dependent partner entitled to the DVA income support supplement.

Eligible ratepayers are entitled to receive subsidies of up to:

- \$250.00 on ordinary rates and charges for domestic waste management services;
- \$87.50 of their annual water rates and charges (where service is provided by council);
- \$87.50 of their annual sewerage rates and charges (where service is provided by council).

In the last four financial years, with an average of 7,900 eligible pensioners, the cost per year of pensioner concessions to the City of Parramatta Council on council rates and charges has averaged \$850,000 per annum.

Note from LGNSW

This motion is consistent with current LGNSW Policy Platform Fundamental Principle A (Economic). It is also consistent with Policy Platform positions 1.1 (removal of rate pegging and reform of the NSW local government rating system), 1.5 (increased specific purpose grants from State and Commonwealth Governments to assist councils in meeting infrastructure and service needs), 1.6 (an end to cost shifting onto local government by the State and Commonwealth Governments). It is also consistent with category 2 motions X7 and X8 of the 2022 Annual Conference which call for the NSW Government to increase and fully fund pensioner rate rebates.

X39 The Hills Shire Council**Review of OLG council rating and revenue manual**

That Local Government NSW calls on the Office of Local Government to review the Council Rating and Revenue Manual to include the construction and operation of a Community Recycling Centre (CRC) to be funded from the domestic waste management charge.

Note from Council

The Rating and Revenue Manual provides guidance to local councils to provide a rate system which is simple, fair and promotes local accountability. This includes guidance on various charges including domestic waste management (DWM). The Manual is now over 15 years old.

There is nothing more fundamental to local government in NSW than waste management.

Local councils provide a range of DWM services to their residents, such as kerbside collection, clean up services and most recently drop-off facilities such as Community Recycling Centres (CRC). To recover the cost of these services, local councils levy DWM charges (separate to ordinary rates).

There has been significant changes since 2007. Federal and State Governments have made commitments and implemented policy that the waste industry and councils must respond to.

It is a policy commitment of both Federal and State Governments to reduce the contents in general waste bins and to separate them into different bins so that resources can be recovered and given a greater useful life. Furthermore, the current state of critical waste infrastructure in NSW is alarmingly inadequate and it is really unclear what facilities will be available in the future resulting in higher costs and lack of competition.

CRCs are proving to be an effective means of giving residents a way to safely dispose of domestic waste that should not be placed in any of the kerbside waste bins. A CRC is a convenient, safe way to dispose of problem wastes and should be considered as complementary infrastructure to the kerbside services.

It is impractical to provide residents with more bins in addition to the current 3 bins.

It's more efficient for residents to be able to access a CRC free of charge paid for through the DWM charges.

A CRC that is funded this way provides an alternative to placing items in the wrong bin, improves the safety of the management of these wastes, enables resource recovery and is a deterrent to illegal dumping.

The current Manual (written in 2007) is not clear as to whether local councils can fund the construction and ongoing operation of a CRC under a DWM charge. Any revised Manual should provide local councils the ability to construct and operate a CRC through the DWM charge.

Note from LGNSW

This motion is operational rather than a policy position. LGNSW can action this without a vote at conference by making representations to the Office of Local Government. A review of the Rating and Revenue Manual has commenced.

X40 Strathfield Council

Rate pegging methodology

That Local Government NSW continues its advocacy efforts for a comprehensive review of the rate peg methodology and a revised methodology that ensures equitable funding and adapts to the evolving service landscape and fostering financial stability for Local Government sector in NSW. Currently undertaken by IPART, this review must effectively address the limitations of the existing methodology while incorporating sector concerns into IPART's final report. The objective is to design a new rate peg methodology that accurately rectifies shortcomings, allowing Local Councils to adjust their rates revenue to match service cost changes.

Note from Council

As its widely acknowledged that the current method of determining the annual rate peg is fundamentally flawed, a revised methodology is required to ensure equitable funding that adapts to the evolving service landscape and fostering financial stability for the Local Government sector in NSW.

Note from LGNSW

This motion is consistent with current LGNSW Policy Platform Positions 1.3 and 1.4, which call for Financial Assistance Grants to be increased to at least 1% of total Commonwealth taxation revenue, and their allocation methodology to be reviewed.

X41 Wollongong City Council

Capital improved value in setting rates

That Local Government NSW writes to the NSW Government to request that Councils be allowed to use Capital Improved Value as an alternative to Unimproved Value in setting rates.

Note from Council

Councils should be able to choose between the Capital Improved Value (CIV) and Unimproved Value (UV) methods as the basis for setting rates at the rating category level. A council's maximum general income should not change as a result of the valuation method they choose. Councils should be afforded a flexible range of options that allow it to develop a Revenue Policy, based on sound taxation principles and their application that best suits its local circumstances in consultation with its community. Variations experienced within and across council areas are difficult to contain within a narrow set of policy options. Valuation based rates are linked to the "capacity to pay" principle and in some circumstances that better reflects current capacity.

Note from LGNSW

This motion is consistent with current LGNSW Policy Platform position 1.1 and LGNSW advocacy for councils to have the option of utilising Capital Improved Valuations.

X42 Forbes Shire Council

Betterment to create flood tolerant roads

That Local Government NSW lobbies the Australian Federal Government and NSW State Government to establish a funding model for Natural Disaster Restoration that includes 'Betterment' that restores road infrastructure to its original serviceability level, but also to a stronger design that ensures that the road infrastructure is in the best case 'Flood Proof' or 'Flood Tolerant' when not possible.

Note from Council

Funding is provided through the Australian Government Natural Disaster Relief and Recovery Arrangements (NDRRA) to restore public infrastructure to the exact standard the infrastructure was immediately before the disaster event.

In many cases, a flood will occur washing away a section of road which is subsequently restored to its pre-existing condition, only for the identical section to be washed away again within a short period of time, sometimes only a few months.

'Flood Tolerance' is the principle of having road infrastructure that is not "Flood Proof" (i.e.. above the flood level) but maintains its structural integrity whilst flooded and closed to traffic.

When the water level recedes to a safe level and the road is reopened, the road can be driven on immediately and will continue to maintain its integrity and not form potholes.

'Flood Tolerant' roads are significantly cheaper to build than 'Flood Proof' roads and provide an enhanced level of service because users do not have to wait for the road to be fixed before traversing it after a flood.

Further, the road infrastructure is much safer due to potholes not forming immediately after the floodwaters recede.

Rebuilding roads in the same location multiple times, due to a flood event, is irresponsible expenditure a public funds.

Betterment that only ensures the road infrastructure is flood tolerant but maintains the same geometry provides for responsible expenditure of public funds. Furthermore, the safety of our roads is enhanced in these locations due to the prevention of the degradation of the road by floodwaters.

Note from LGNSW

The motion is consistent with resolution 346 of the 2022 Special Conference. (develop, establish, implement and properly fund betterment programs to rebuild essential public infrastructure damaged in floods and other natural emergencies to a more resilient standard that ensures that the infrastructure and communities are less vulnerable to the impacts of flood and other emergencies.) It is also consistent with LGNSW Policy Platform positions 6.4 (Increased funding for mitigation and betterment measures) and 6.6 (Financial support for restoration, remediation and betterment of local community infrastructure that has been severely damaged by natural disasters including climatic conditions and drought).

X43 Kyogle Council

TfNSW resourcing

That Local Government NSW supports TfNSW resourcing to enable an efficient and timely process for approval of Disaster Funding for Natural Disaster restoration works.

Note from Council

Council's in the Northern Rivers are concerned that the time frames for the approval of essential public asset restoration works through TfNSW is causing delays to the delivery of the overall flood recovery program. The understanding is that this is because TfNSW is basically under staffed/resourced therefore the approvals are lagging and will have an impact on projected recovery timeframe and the potential stop-start disruption will adversely affect the project in delivery times and availability of contractors and equipment.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform positions 6.3 and 6.7 regarding timely and streamlined payment of recovery funding.

X44 Lithgow City Council Support of local government operating in an environment of climate change

That Local Government NSW requests the Australian and NSW governments for improvements required to better support local government in the context of an operating environment characterised by climate change and an increase in natural disasters:

- a. Recurrent funding models and programs that reflect the extent of local government's asset management responsibilities (and limited capacity to pay), reducing the prevalence of competitive funding rounds, and recognising the benefits of proactive maintenance over end-of-life repair.
- b. Fundamental review of the DRFA to reduce administrative burden, recognise capacity constraints on local government, and integrate the principles of asset betterment as an investment for the future.
- c. Inclusion of water and sewer reticulation and treatment infrastructure in the definition of an 'essential public asset'.
- d. Financial opportunities which are cyclic, guaranteed and thereby reliable, allowing local government the ability to develop the necessary capacity to deliver on proactive maintenance obligations.

Note from Council

The motion to support Local Government operating in an environment of climate change was drawn from Lithgow City Council's response to the independent review of Commonwealth disaster funding.

Note from LGNSW

This motion is consistent with LGNSW position established through resolution 24 of 2022 (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).

X45 Upper Hunter Shire Council

Drought declarations

That Local Government NSW lobbies the NSW Government on the matter of drought declarations and ask the NSW Government to instruct the DPI to include all councils as a source of information on ground truthing in order to inform how areas are declared in drought.

Note from Council

Declaration of droughts is being undertaken in an arbitrary manner without due consideration to Local Government. Consideration of the motion attempts to address this issue by ensuring local government input into drought declaration.

Note from LGNSW

This motion is consistent with past resolutions including resolutions 4 and 4.1 of 2019, which called for governments to actively engage councils in development of all drought policies and plans and ensure appropriate consultation is undertaken. LGNSW can action this by writing to the NSW Government and continuing its advocacy.

X46 Murray River Council

Kangaroo management

That Local Government NSW lobbies the NSW Government to effectively manage the issue of kangaroo numbers generally migrating to areas near water and road networks that create significant hazards to road users in rural NSW, particularly in areas where communities interface with National Parks.

Note from Council

Kangaroos are recognised as a valued natural icon of Australia and the landscapes in which people of the Murray Region (of which the Murray River Council local government area is a part of) build their lifestyles and livelihoods. Landscape changes in the Murray Region over the past two centuries have resulted in a higher proportion of grassland-type areas (including pastures and crops), higher levels of productivity within these areas, and greater availability of open water.

Changes to the protection status of native species and the reduction of natural predators have removed pressures that previously held kangaroo population numbers down. All of these changes have supported higher base-level population numbers of kangaroos, which further increase during periods of high rainfall or when significant environmental water flows occur inside natural forests.

When in excessive numbers, kangaroos impact on agricultural productivity and natural areas and due to their nocturnal nature, create road hazards for road users (generally on rural roads and highways) from dusk until dawn. In recent years, there has been an increase in kangaroo numbers apparent on both private and public land within the Murray River Council and surrounding area due to the very poor seasons. The large numbers of kangaroos evident on roads and public land raises the issue of the safety of road users and the boarder community, especially when there is evidence of human fatalities on country roads due to impacts with kangaroos.

It also raises welfare concerns for the animals when there is the potential for injured kangaroos being left to suffer after being hit by vehicles. As a native animal, kangaroos are protected under the Biodiversity Conservation Act 2016 (NSW) and Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth). The Department of Planning, Industry and Environment is responsible for kangaroo management in NSW and conducts regular monitoring of kangaroo population levels across the state, regulates the kangaroo commercial harvest industry and issues permits for non-commercial culling of animals in circumstances where numbers are high.

The concern of increasing kangaroo numbers (current population estimate is ~17M across NSW) and the associated danger to people and property is an issue affecting a number of regions across rural NSW. As such, it is considered that this is an issue that LGNSW could and should advocate for on behalf of local government areas and their communities.

Note from LGNSW

This motion is consistent with LGNSW position established through resolution 55 of 2017 - That Local Government NSW lobbies the NSW Government to effectively manage the issue of kangaroo numbers generally migrating to areas near water and road networks that create significant hazards to road users in rural NSW, particularly in areas where communities interface with National Parks.

X47 Tweed Shire Council

Education on correct use of recycling bins in public places

That Local Government NSW calls on the state government to, as a matter of urgency, implement an education program aimed at building public awareness on the importance of the correct use of recycling bins in public places.

Note from Council

Australia has one of the highest waste generation per capita rates in the world. If waste is not disposed of and recycled properly, it can end up in landfill, causing detrimental damage to the environment.

There is a lack of general knowledge of the proper use of recycling bins in public places, especially at events. While many public parks have implemented recycling bins, the lack of understanding of the importance of this system is apparent. This results in many recyclables ending up in landfill, and contamination of recycled products by general waste.

A public campaign will promote, educate, and build awareness of the importance of recycling and assist in reducing national waste generation.

Note from LGNSW

This motion is consistent with 2019 resolution 5 which calls on the NSW Government to fund and deliver state-wide education campaigns on the importance of recycling.

X48 The Hills Shire Council

Critical waste infrastructure planning

That Local Government NSW:

- a. Urges the State Government to take responsibility to identify and secure appropriate land for critical waste infrastructure;
- b. Advocates that the State Government to establish a new Waste Authority for NSW to assist with the planning and development of critical waste infrastructure; and
- c. Urges the State 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 identifies a massive infrastructure investment challenge to meet the predicted 2030 and 2040 needs. In the Greater Sydney area non-putrescible landfill space is expected to be depleted by 2028 and putrescible landfill space by 2036. There are also significant concerns around food organics processing capacity and transfer station capacity.

Exhaustion of landfill capacity is an immediate concern for the Greater Sydney region. It is estimated that 500,000 tonnes per annum (tpa) putrescible landfill capacity and 3 Million tpa non-putrescible landfill capacity is required to meet current projections by 2030. The implementation of FOGO may provide some relief to existing landfill capacity, however, the infrastructure requirements to process FOGO are lagging and pose another infrastructure shortfall. It is estimated that an additional 1.1 Million tpa of processing capacity will need to come online to meet 'business as usual' growth and additional food organics capture. Beyond disposal and processing, there has been little focus on capacity of the network to transfer waste to end points. The moderate surplus in overall transfer station capacity for Greater Sydney is unevenly distributed across the metropolitan area and not able to cope with any significant fluctuations due to unexpected events.

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 the short term. 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. There is also support of a potential Energy for Waste (EfW) in the Parkes region, which could potentially handle 400,000 tonnes of Sydney's waste. Whilst these initiatives are welcome, they are inadequate to address the significant shortfalls in landfill, processing, and transfer capacity. Furthermore, a critical concern is that investment into needed facilities such as putrescible landfill sites, EfW facilities and FOGO processing facilities will take many years to proceed through the planning approval process and construction phase.

Significant and timely investment of funds by the State Government is a logical and reasonable means to provide greater surety that the critical shortfalls are met on time. To facilitate the urgently required new disposal, transfer and processing facilities, significantly more of the NSW Waste Levy needs to be reinvested back into the industry. Ideally the State Government should secure land and designate it as state significant development to expedite the planning approvals process. 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.

Provision of waste collection, processing and disposal is an essential service. The current critical shortfalls in waste infrastructure need to be addressed as a matter of urgency. To rely on market forces to plug this gap exposes the community to the significant risk of not having adequate facilities to deal with their waste which will result in significant higher costs to the end user. The State Government should provide strong leadership, foresight and investment to help secure the future of waste management in the Greater Sydney area for the benefit of the entire community.

Note from LGNSW

This motion is consistent with 2022 resolution 134 which calls on the NSW Government to identify and secure land for waste infrastructure, establish a Waste Authority and increase reinvestment of the Waste Levy into critical waste infrastructure.

X49 City of Canterbury-Bankstown Council

Illegal dumping

That Local Government NSW calls on the NSW Environment Protection Authority (EPA) to redirect funds from the Waste Levy, through a non-contestable grant, to councils to focus on illegal dumping and other priority areas (as per the previous Better Waste and Recycling Fund).

Note from Council

Addressing illegal dumping is a priority for councils. The issue, however, requires a significant investment in time, budget and resources. There is an ongoing need to collect and analyse data and information to understand the problem, to invest in infrastructure and services to manage illegally dumped items, to engage with and educate the community and stakeholders, and to carry out required enforcement activities for community safety and compliance.

Councils compete for contestable grants to invest in anti-dumping programs. To better support councils, a 100% reinvestment of the Waste Levy to fund the delivery of priority infrastructure and programs, as outlined in the NSW Government Waste and Sustainable Materials Strategy, is required. The NSW Environment Protection Authority (EPA) should redirect funds from the Waste Levy to councils to focus on illegal dumping as per the previous Better Waste and Recycling Fund. This fund was used by councils to support a broad range of projects to deliver improved waste and recycling outcomes for their communities, including reducing the amount of illegal dumping. Providing councils with adequate funding to appropriately address illegal dumping is just one part of a critical waste, recycling and resource recovery reinvestment strategy needed for the sector.

Currently, the Local Government Waste Solutions Fund will only fund \$10 million over 5 years from 2023 to 2027 to support projects by waste levy paying councils and groups that have capacity to deliver innovative waste and recycling solutions. The EPA needs to clarify its future funding model and redirect funds from the Waste Levy, through a non-contestable grant, to councils so they can adequately address the high rates of illegal dumping.

Note from LGNSW

This motion is consistent with 2022 resolution 137 which calls on the NSW Government to provide permanent and secure funding for councils to employ dedicated staff to address illegal dumping.

X50 Strathfield Council

Circular economy

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

1. Create inclusive circular economy roadmaps that establish precise goals, strategies, and timelines for the transition to a circular economy. These roadmaps can function as guiding documents for all stakeholders involved in the process. The roadmap also should include instruction on Bin clarity, education campaign and how to manage the Residue and what to do with the contents of the red-lid bin.
2. Undertake pilot projects and demonstrations in collaboration with local governments and stakeholders can effectively demonstrate the advantages of circular economy initiatives, fostering confidence in their practicality and potential success.

Note from Council

Australia is dedicated to working towards the Net Zero Emissions by 2030 initiative. As such, it is important that Local Government is aligned with National goals, which influences and represents community demanded goals. Residents and communities today are increasingly interested in Local Governments attempts in improving and promoting sustainable practices. The concept of Circular Economy represents a positive alternative to the traditionally linear economic system we practice today, which in turn, would address residential concerns.

In theory, Circular Economy promotes durability, recyclability, and reutilisation of existing materials to promote longevity, and aims to reduce waste to a minimum so as to limit its impact on the environment. By keeping materials in circulation through the promotion of reuse and recycling principals, Local Government will be better placed to meet the challenges of climate adaptation as assist the community to reach net zero emissions

Note from LGNSW

This motion is broadly consistent with 2022 Special Conference resolution 56 which calls for the NSW Government to provide funding and resources for circular economy capability building, the development of Circular Economy Action Plans and precinct development by local government.

X51 Strathfield Council**EPA role in addressing recycling issues**

That Local Government NSW calls on the State (NSW EPA) and Federal Government to promote innovation and invest monies (collected from NSW Waste Levy) in waste management by supporting the adoption of new technologies and practices at waste transfer facilities. These innovations and supporting industries can improve waste sorting efficiency, reduce environmental impacts, and enhance overall recycling outcomes.

Note from Council

The NSW Environmental Protection Agency has a significant role to play in addressing the important issue of recycling. Our community needs to accelerate recycling so that we can embrace economic opportunities associated with new recycling technologies, in addition to allowing Councils to have less of an impact on the environment.

Note from LGNSW

This motion is consistent with 2019 resolution 5 which calls on the NSW Government to reinvest Waste Levy funds for the research, development and delivery of recycling technologies and products generated from recyclables.

X52 Cowra Council**Circular economy in rural and regional areas**

That Local Government NSW requests the NSW government work with current and potential recycled materials manufacturers to find an increased capability to process the collected recycling material in the regions to ensure councils meet their legislated commitment requirements and are not negatively impacted by the cost of doing so.

Note from Council

Under the NSW Government Waste Strategy all Councils will be required to meet a number of recycling, landfill diversion and FOGO requirements. Unfortunately, the development of feasible recycling industries in Australia is not necessarily keeping pace with the requirements being placed on Councils such that the collection and processing or disposal of these products such as glass, soft plastics and green waste invariably comes at a cost to councils and their communities.

Those industries that are operational are largely located in metropolitan centres where the volumes of inputs are higher and transport costs are lower. This leaves rural and regional communities out of the circular economy and bearing the cost of having to potentially incur additional costs in transport material to the larger centres for processing.

Council is seeking the support of LGNSW to lobby the NSW Government to incentivise industries participating in the circular economy to locate in regional areas.

Note from LGNSW

This motion is consistent with 2019 resolution 5 which calls on the NSW Government to reinvest the Waste Levy to fund research, development and delivery of recycling technologies and products generated from recyclables.

X53 Blacktown City Council**Increase extended producer responsibility**

That Local Government NSW works with the Australian Government to increase extended producer responsibility through mandatory and co-regulated product stewardship schemes.

Note from Council

We require more product stewardship schemes to be mandatory or co-regulated to successfully address items on the Minister for the Environment's Priority list. Our transition to the circular economy has become dependent on volunteer business models that collapse because they are overrun with materials to process and/or lack an end market.

We acknowledge the Australian Government has dedicated funding to support this direction through the Recycling Modernisation Fund and National Product Stewardship Investment Fund, but this doesn't provide the regulatory support in ensuring the scheme has rigour and provides market confidence.

This approach proves inadequate according to research by the Product Stewardship Centre of Excellence, which found only 63% of Australians understand the concept of product stewardship. Additionally, businesses are less likely to participate for a lack of knowledge (26%) and ability to comply (11%).

Progress in product stewardship is presently inadequate. Of more than 99 active initiatives in this field, only 7 are presently accredited by the Australian Government and only 1 is mandatory.

Note from LGNSW

This motion is consistent with Policy Platform position 11.1(e) which calls on the NSW Government to work with the Federal Government to introduce producer responsibility schemes for soft plastics and other emerging problem wastes.

X54 North Sydney Council

Waste and Recycling

That Local Government NSW lobbies the State Government to develop a waste process in order to support FOGO and an increase in recycling rates, and the State Government work to provide additional processing facilities to meet the volumes of waste that will be generated once mandatory FOGO is introduced.

Note from Council

This motion seeks to pre-empt the increase in recycling and FOGO that will be generated once mandatory FOGO is introduced. It is important to ensure that sufficient and adequate processing facilities are available from the outset so as to ensure a successful transition. The planning and provision of these processing facilities needs to start now to ensure they are operational and online as soon as the mandatory provisions come into force.

Note from LGNSW

This motion is consistent with 2022 resolution 136 which calls on the NSW Government to ensure infrastructure exists for the transfer and processing of Food Organics and Garden Organics (FOGO) in anticipation for the 2030 FOGO mandate.

X55 City of Newcastle

s.88 Domestic waste management service

That Local Government NSW:

1. Reaffirms its support for the return of 100% of section 88 Domestic Waste Management Service Charge (the "waste levy") funds to be returned to local government for reinvestment in recycling facilities, landfill diversion, community education, technology improvements and circular economy opportunities;
2. 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;
3. 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;

4. Continues to raise concerns regarding councils, including City of Newcastle, receive as little as 0.5% of the levy returned to them annually for the purpose of funding vital resource recovery, waste management and waste and recycling education projects for their communities;
5. 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 and commit to the full return of 100% of the waste levy local councils to fund such waste diversion from landfill initiatives.

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;
- City of Newcastle is liable for the metropolitan levy rate of \$151.60 per tonne of landfill, compared to the regional levy rate of \$87.30 per tonne, a \$32 per tonne difference and additional cost to Newcastle ratepayers of \$2.1 million in 2022/23;
- analysis undertaken by CN officers that shows an additional \$18.7 million has been paid by Newcastle ratepayers over the regional rate over the past decade due our categorisation by the NSW Government;
- the waste levy consists of approximately 50-65% of the cost of waste disposal by CN.

Despite paying approximately \$37 million annually in Waste Levy contributions, only \$175,000 has been returned to the Newcastle LGA to fund its resource recovery projects, which is the actual intention of the levy.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 11.1 which calls for the reinvestment of the NSW Waste Levy to fund regional waste plans, infrastructure, circular economy solutions, increased local and state government procurement and education campaigns.

X56 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

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.

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.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 13.4(a) calling for changes to the weed management framework, including: (a) an urgent increase in funding to local government for weed management, including funding stability and funding via the Weed Action Program to be increased to \$20M per year.

X57 Kyogle Council**Workforce attraction, retention and training in rural and remote areas**

That Local Government NSW calls on the State Government to:

1. Develop a strategy around the attraction and retention of professionals in rural and remote areas;
2. Develop appropriate training and education opportunities for people in rural and remote areas.

Note from Council

Rural and remote communities struggle to attract qualified professionals across the board, including but not limited to, doctors, allied health professionals, police, a skilled labour force etc. Attracting skilled and professional staff to Australian remote conditions has not been made easier by the Australian government policies which has meant that services and infrastructure have been rationalised based on efficiency rather than equity. The under-provision of infrastructure is a hallmark of non-metropolitan Australia and its lack both pushes people out of communities and turns people off going there for any length of time. Other issues include adequate housing, reliable communications, availability of day-care facilities and schools, feeling safe in their new communities, power, water and sewer, affordability and of course, community attitudes to newcomers.

Of particular concern is the dearth of appropriate training opportunities and facilities for people living in remote locations. Attaining skills requires educating and training in non-remote locations which is potentially disruptive, expensive and even frightening for those who have never left their community.

Young people who leave their communities for educational purposes and skills training, are more likely not to return.

Note from LGNSW

This motion is consistent with LGNSW policy position 19.14 which calls for initiatives to address skills shortages and impediments to employment and training. LGNSW can further action this motion by writing to the Government concerning this motion and continuing its advocacy on this matter.

X58 Bega Valley Shire Council**Skills shortages**

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. Encourages 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.

Note from LGNSW

This motion is consistent with LGNSW policy position 19.14 which calls for initiatives to address skills shortages and impediments to employment and training. LGNSW can further action this motion by writing to the Government concerning this motion and continuing its advocacy on this matter.

X59 Shellharbour City Council

Targeted skills - employment and training programme

That Local Government NSW advocates for a "Targeted Skills - Employment and Training Programme" to address the difficulties in attracting and maintaining skilled staff in identified skills shortage areas, with incentives and measures to increase apprenticeship, cadetship, and traineeship programs in NSW local government.

Note from Council

The NSW Minister for Planning Public Spaces, Paul Skully was recently quoted saying that there has been an overwhelming response from councils for the Government's Strong Start Cadetship Program.

The program was launched in response to the planning skills shortage. This motion seeks to increase the skills shortage areas to those beyond planning.

Note from LGNSW

This motion is consistent with LGNSW policy position 19.14 which calls for initiatives to address skills shortages and impediments to employment and training. LGNSW can further action this motion by writing to the Government concerning this motion and continuing its advocacy on this matter.

X60 Edward River Council

Protect water sustainability of regional irrigation communities

That Local Government NSW calls on the Australian Government to acknowledge that water buy-back has a detrimental effect upon local communities:

1. Acknowledge the Adverse Socio-Economic Impact: The Australian Government should openly acknowledge that water buybacks have an adverse socio-economic impact on regional communities. This recognition is the first step towards addressing the issue and finding sustainable solutions.
2. Commitment to Financial Support: In the event that water buybacks proceed, it is imperative that the Federal Government commits to providing financial support to assist affected regional communities in their transition. This support should be designed to help local economies adapt to the changes brought about by water buybacks.
3. At a minimum, tie assistance to water value: The level of structural assistance provided to impacted communities should be directly tied to the value of the water purchased from those Local Government Areas (LGAs). This ensures that communities are adequately compensated for the resources that are being extracted from their regions.

Note from Council

Water buybacks are a looming challenge for regional communities.

Edward River Council is concerned for rural communities like ours after the Environment and Water Minister put water buybacks back on the table despite strong opposition in Bush Summits and from agricultural groups around the country.

The plans to increase water buybacks will have a devastating impact on food and fibre production, shrink local economies and increase prices for basic food.

In an era of high inflation, this will decrease communities' resilience and confidence.

Note from LGNSW

The motion is consistent with resolution 94 of the 2022 Special Conference (Protecting food security and sustainability of regional irrigation communities). LGNSW can advocate on this by writing to the Australian Government.

X61 Cabonne Council

Resilience to natural disasters

That Local Government NSW lobbies the State and Commonwealth Government to review all disaster recovery funding models and policies to recognise the increasing impacts of climate change and provide flexibility in funding to allow for improvement and preparedness of assets.

Note from Council

Councils are increasingly bearing the burden of climate change impacts yet are beholden to existing funding and planning rules that are too rigid to keep pace with the changes. Consultation with local government is needed so local intelligence about the difficulties being faced is recognised. This will allow councils to rebuild essential public assets to a more resilient standard to assist with the impacts of future natural disasters, increases the resilience of communities to natural disasters, reduces future costs on asset restoration and potentially reduce incidents, injuries and fatalities.

Note from LGNSW

This motion is consistent with current LGNSW position: Resolution 24 of the 2022 Annual Conference – Climate Change Impacts and resilience: calling for funding to assist councils prepare and respond to extreme climate events.

X62 Walcha Council

National Parks and Forestry Corp to satisfactorily maintain land

That Local Government NSW calls on the State Government to mandate National Parks and Forestry Corporation to satisfactorily maintain vast tracts of land owned and managed by them.

Note from Council

National Parks and Forestry Corporation own and are entrusted with the management of vast tracts of land covering many areas within NSW from the coast to the far west.

Following the devastating bushfires of 2019, land that was impacted has had a thriving and stable environment replaced with dead trees, regrowth and leaf and limb litter build up, that if not managed properly will lead to a fuel load culminating in an inevitable fire event, making the 2019 event look like a campfire.

The result of this mismanagement is an inevitable situation where much of this country has become impenetrable for both fire control and native animal escape and therefore their survival.

With the decimation of the tree canopy allowing more light to penetrate the understory this naturally encouraged the seed bank to strike at a far greater rate than nature intended.

The outcome of this is that the seed bank will become severely depleted and if another fire destroys these immature trees before they reach maturity and begin to produce viable seeds the change in vegetation diversity will be catastrophic.

If this happens it will allow invasive species of both plants and animals to thrive and possibly change the ecosystem of large tracts of National Parks and Forestry forever. Wildlife has not returned to

these areas since 2019 bushfires and another similar event could wipe out the remaining native animals and birds.

The state it is currently in may mean that they never return. National Parks form an integral part of both a social and economic benefit to our state, and when maintained in accordance with a long term vision provide will continue to do so.

The problem that the financial resources to purchase this land has surpassed the ability and funding required to maintain it for it's intended purpose. In Walcha LGA 40% of our land area is either National Parks or Forestry. The risk to human safety and biodiversity survival rests with a long term plan to maintain a fire management plan that addresses our varying climate and the effects this is having on the ability of neighbours who border this land to protect their assets.

It is the responsibility of the current State Government to make sure this land the community entrusts to them is managed in such a way that is kept in the best possible condition to benefit future generations.

Time is of the essence.

Note from LGNSW

This motion is consistent with resolution 81 of 2019 (NSW National Parks & Wildlife Service, NSW Forestry Corporation and NSW Local Land Services to undertake an increased level of park and forest fire management activities, including increased hazard reduction burns and increased numbers of dams and water infrastructure points for firefighting purposes into the future) and resolution 14 of 2020 (NSW Government to require any government authority that manages forested areas to properly maintain and improve the construction of fire trails, including the removal of any obstructions other than locked gates).

X63 City of Parramatta Council

Resilience preparedness

That Local Government NSW advocates to the NSW Government to demonstrate resilience preparedness by delivering pre-emptive disaster risk reduction planning, resources and investment that support our communities, infrastructure, and natural environment.

Note from Council

Every local government area within NSW has experienced a natural disaster over the past 2 years and the majority of government expenditure is on clean up and recovery, not on preparedness and resilience. There is a pressing and significant need for the NSW Government to deliver pre-emptive disaster risk reduction planning, resources and investment to local councils and communities.

Resilience helps bridge the gap between disaster risk reduction and climate change adaptation. Resilience focuses on enhancing the performance of a system in the face of multiple hazards, rather than individual events, equipping communities to bounce back after disasters through education, support and improved connectedness.

Reference: Adapted from the Resilience Index (Rockerfeller Foundation & Arup). The key dimensions within a systems-led resilience framework are:

- Leadership & strategy – effective leadership and management, empowered stakeholders, integrated development planning
- Health & wellbeing – minimal human vulnerability, diverse livelihoods and employment, effective safeguards to human health and life
- Infrastructure & ecosystems – reduced exposure and fragility, effective provision of critical services, reliable mobility and communications
- Economy & society – collective identity and mutual support, comprehensive security and rule of law, sustainable economy.

Note from LGNSW

This motion is consistent with LGNSW position established through resolution 24 of 2022 (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).

X64 Cabonne Council**Emergency works disaster recovery – essential public assets**

That Local Government NSW lobbies the NSW Government to:

1. increase the timeframe for completion of emergency works
2. increase the type of public assets classed as ‘essential’ to include water and sewerage infrastructure.

Note from Council

The NSW Government provides vital emergency funding for local councils immediately after a natural disaster to undertake temporary emergency works on essential public assets to restore and enable operation to an acceptable level.

The fund is limited to works undertaken during the period of up to three months from the date that the essential public asset become accessible to the council.

The scale and impact of damage across large regional councils such as Cabonne, coupled with limits on the capacity of staff and plant resources and access to contractors exacerbated the difficulty to carry out these works within the timeframes of the funding guidelines. Further to this, within the context of the funding guidelines a public infrastructure asset is defined as “an asset that is an integral part of a state’s infrastructure and is associated with health, education, justice of welfare” and “an integral part of the normal functioning of a community”.

Damage to two sewerage pump stations from a flooding event in November were not classed as an essential public asset and repair to these assets had to be claimed through council’s insurers which ultimately impacted on claims for other public assets.

Note from LGNSW

This motion is consistent with position 6.3 of the LGNSW Policy Platform which calls for increased federal funding and a review of Disaster Recovery Funding Arrangements to expand eligibility of assets.

X65 Kempsey Shire Council**River level and rain gauges**

That Local Government NSW urges the State Government to accelerate the process of making a single agency responsible for the collection and publication of data, and the operations and maintenance of River Level gauges, Rain Gauges and Forecast Gauges across NSW.

Note from Council

Currently the BoM, WaterNSW and Manly Hydraulics collect data from various gauges across NSW, this often ends up with Councils taking responsibility for operations and maintenance to support community safety. Ironically, there are issues with sharing data and communication across agencies and the community. This is another example of the State Government shifting cost and responsibility to Local Government.

It is acknowledged that the Federal Government has recently committed \$236 million to upgrade flood warning systems, with Environment minister Tanya Plibersek saying “We are getting to a point in this country with rising natural disasters that we do need to see national leadership on that front to back up the states and territories when they need that help”

Maybe if we had a fair funding model, we could manage this ourselves. Let's see some outcomes in Regional NSW.

Note from LGNSW

This motion is consistent with the LGNSW position established through resolution 35 of the 2022 Annual Conference, which called for strong oversight and maintenance of flood monitoring gauges and systems by the Bureau of Meteorology or another appropriate single agency.

X66 Greater Hume Shire Council

A request for the Minister for Emergency Services to visit RFS volunteers

That Local Government NSW seeks an urgent visit from the Minister for Emergency Services to Rural Fire Services volunteer units to gain first hand feedback from the volunteers on the concerns that local knowledge and advice is not being sufficiently considered leading into the next fire season.

Note from Council

Greater Hume Council is a rural Council, which covers a 5,939 square km's, and a population of approximately 11,000.

A recent major fire event in 2019 highlighted the critical role volunteers play in keeping our community safe.

There seems to be a recent change in the approach at a regional level, which is neither supportive nor receptive to the feedback from the volunteers. This issue has been highlighted with the Minister, but Greater Hume believes there would be a major benefit to these key groups of volunteers if the Minister could find time to hear from the teams on the ground.

Note from LGNSW

This motion is operational rather than a policy position, and is broadly in line with Policy Platform position 4.4 which calls for new models for service delivery in rural and regional areas based on close collaboration. The motion seeks for the Minister to visit local RFS volunteers to hear their feedback. LGNSW can action this without a vote at conference by writing to the Minister.

X67 Central Tablelands Water

DRFA for Local Water Utilities

That Local Government NSW advocates that local water utilities (LWUs) regulated under the Water Management Act 2000, be included in the essential public assets' eligibility list of the NSW Disaster Assistance Arrangements and Australian Government's Disaster Recovery Funding Arrangements.

Note from Council

Since the devastating flooding event that occurred in Eugowra, Manildra, Cudal and Canowindra on 14 November 2022, Central Tablelands Water (CTW) has been advocating for flood recovery funding assistance for damage incurred to its water supply infrastructure.

The extent and scale of the flooding event makes it one of the most severe natural disasters to impact the CTW supply network since the County Council was proclaimed in 1944.

Water supply infrastructure is not currently listed as an essential public asset under the NSW Disaster Assistance Arrangements or the Australian Government's Disaster Recovery Funding Arrangements (DRFA).

Note from LGNSW

This motion is consistent with LGNSW policy position 6.3 which calls for increased federal funding and review of DRFA to expand eligibility of assets. This is a longstanding LGNSW advocacy position.

X68 Parkes Shire Council**Inclusion of water supply and sewer assets in DRFA**

That Local Government NSW lobbies the NSW State Government and the Australian Government for explicit inclusion of Water Supply and Sewer Assets in State and Commonwealth Disaster Recovery Funding arrangements.

Note from Council

Unlike other public assets such as roads and bridges, Water Supply and Sewer assets are not covered by current State and Commonwealth Disaster Recovery Funding arrangements, as they are deemed profit making business undertakings.

As an example, in the November 2022 catastrophic flood events, Parkes Council lost approximately eight (8) kilometers of large diameter water supply main, gouged from the ground by flood waters. In the face of drought Council is faced with a multi-million dollar replacement cost to ensure water supply.

Like other public assets, the repair or replacement costs associated with disaster damage to Water Supply and Sewer assets is well beyond the financial means of Councils.

In regional areas Water Supply and Sewer assets are essential public assets run on a break-even basis and as such should be included in disaster funding arrangements.

Note from LGNSW

This motion is consistent with the current LGNSW Policy Platform position 6.3 which calls for expanded asset eligibility for DRFA. The LGNSW Annual Conference Resolutions for 2019 called for among other matters, the state and federal governments agreeing to extend the DRFA to include local water utilities.

X69 Bega Valley Shire Council**Council fleet transition to electric vehicles**

That Local Government NSW calls on the NSW Government to broaden its program to incentivise uptake of electric vehicles by reducing the upfront costs of electric vehicles for large fleet managers such as local councils.

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 NSW Government's recent NSW Electric Vehicle Strategy puts NSW on a path towards electrification of the NSW vehicle fleet. This should be expanded to consider the fleet of local Councils.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 10.12 (Enable the uptake of zero and low carbon technologies including electric vehicles through appropriate investment, concessions and legislation) and 14.3c (Introduce tax initiatives to encourage the up-take of electric powered vehicles in order to phase out the reliance on fossil fuels).

X70 City of Newcastle**Co-funding for electricity funding**

That Local Government NSW calls on the NSW Government to re-establish a more equitable Ausgrid funding program for Aerial Bundled Cable (ABC) or undergrounded cable upgrades to protect urban canopies from wine glassing and destruction, and the importance of adding the protection of street trees in their operations into Ausgrid's accompanying climate resilience framework.

Note from Council

The urban forest and associated tree canopy provides a range of benefits for the community. Some of these benefits include shade, microclimate regulation, air quality, a sense of wellbeing, diverse flora and fauna, storm water management and interception. The liveability of a city is greatly improved by having a sustainable tree canopy and green spaces, which also builds 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. Improved pruning practices and capacity are required to ensure and enhance the continued benefits of our urban canopy.

Councils are responsible for the holistic management of urban forest assets owned or controlled by councils, and as such councils receive concerns directly from local residents regarding the heavy pruning of street trees by Ausgrid contractors due to overhead bare wire cables unable to come within close proximity of tree canopy.

There is an ongoing collaborative relationship between Ausgrid staff, contractors and councils in managing both electrical line clearances and tree canopy to build a mutually beneficial forward plan and City of Newcastle supports Ausgrid's proposal for co-funding of Aerial Bundled Cable (ABC) upgrades in collaboration with councils as part of their Draft Plan 2024-29. However, it is impractical to expect local government to fund up to 50% of the ABC upgrade costs of \$11,000 per span throughout their LGAs.

Accordingly, it is imperative the NSW Government provides a funding program to assist local government in protecting their urban canopy assets from state government agency pruning practices.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 3.13 (Funding and measures that reduce the impact of essential services on urban canopy, such as aerial bunding of electricity cables).

X71 Bega Valley Shire Council	Power provision to government owned infrastructure
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That Local Government NSW:

1. Advocates to the NSW Government to develop appropriate planning controls and aligned funding mechanisms 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.
2. Utilises the Renewable Energy Infrastructure mapping portal to drive investment in renewable energy for government assets.

Note from Council

Councils are driving local solutions to energy consumption and climate change and are seeking to ensure that local infrastructure provided by all levels of government seek to source their power from renewable sources.

The NSW Government has analysed 165,000 government land assets for renewable energy opportunities using the Renewable Energy Infrastructure mapping portal to identify land assets for renewable energy opportunities including, wind, solar and pumped hydro. Councils would like to see that mapping work materialize into investment in renewable energy facilities on government assets.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 10.2 (Ambitious but realistic policies and practices that promote council, community, industry and government commitment to renewable energy, energy conservation and energy efficiency) and through resolution 52 of 2022 (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).

X72 Warrumbungle Shire Council	Renewable Energy Assets
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That as a high proportion of the cost of the transition to renewable energy is the construction of transmission lines from rural areas to the metropolitan area, Local Government NSW should lobby the State Government to construct more renewable energy assets in the metropolitan area with particular emphasis on wind generation off the northern and southern beaches.

Note from Council

It is the policy of the NSW government that over 80% of the states electricity needs will be generated by renewables in just seven short years time. Most of this renewable energy is proposed to be generated in regional NSW and will then be delivered to Sydney via a series of massive transmission lines. A possible roadblock to this courageous policy is the fact that work is yet to start on the transmission lines, or on the workers camps or water supplies for the workers who are supposed to build them. The capacity to generate locally the amount of renewable energy that will be required in the Sydney basin is constrained, so the use of offshore wind farms will be critical. Popular and political support for this initiative from the coastal areas of Sydney should ensure the adoption of this motion.

Note from LGNSW

This motion is consistent with LGNSW position established through resolution 51 of 2022 (at least 50% of renewable energy is generated in the capital cities of Australia).

X73 Federation Council	Water and sewer funding
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That Local Government NSW lobbies the State Government for improved funding for critical water and sewer infrastructure upgrades and renewal projects.

Note from Council

Water and Sewer Authorities across the state face significant challenges in aged infrastructure.

The programs such as safe and secure water supply and sewage funding programs from the State Government need significant additional funds.

In consideration of the many cross over issues with the impacts and mitigation of flooding on water and sewer assets, this should be an area where the Federal Government are also provides greater funding in these areas from a disaster management funding focus.

Note from LGNSW

This motion is consistent with position 5.6 of the LGNSW Policy Platform (substantial investment by State and Federal Government in regional water supply infrastructure). This motion can be actioned without a conference vote by making representations to the Minister.

X74 Camden Council

Provision of schools for new communities

That Local Government NSW lobbies the NSW Premier and Minister for Education and Early Learning to revisit the design and delivery strategy for the provision of schools' infrastructure to ensure appropriate location, sizing and timing for delivery, including the provision of pick up and drop off areas on school property.

Note from Council

The planning and delivery of schools is becoming increasingly important to ensure the future community is well serviced by educational infrastructure. The size and capacity of school sites is a significant and ongoing concern for Council and local residents. It is noted that 1.5 hectares is the current School Infrastructure NSW minimum site size for public primary schools within suburban/Town Centre areas, with the majority of primary schools that have been delivered in the past couple of years around the 2 hectares mark.

Local schools that have been established on such sites are impacting roads and open space infrastructure and causing frustrations for local residents. The size of these school sites means that most 'kiss and drop' locations are generally located on Council-owned roads, and staff and visitor parking spaces provided on-site do not meet demand. Visitors and some staff are having to park on surrounding streets, which creates congestion and impacts traffic flow along the local street network. Increasing traffic and safety issues are also being experienced on the approaches to school sites, which is putting children and other community members including school staff at risk.

In addition, schools on 1.5 to 2 hectare sites generally rely on Council-owned and managed open spaces and sporting facilities for school-based recreation. This can impact the availability of these spaces and facilities for use by ratepayers, and increase the maintenance responsibilities for Council.

The timing of delivery for new schools is also of concern to Council, with a significant time lag between housing development, new communities moving in, and local schools being provided. An example of this is the delay in the delivery of Gregory Hills Public School, which is under construction and is the last piece of community infrastructure to be delivered within the Gregory Hills development. The unmet demand in the precinct and surrounding areas has caused nearby schools (e.g., Gledswood Hills Primary School) to be at overcapacity. This exacerbates the traffic, parking, safety and open space concerns associated with 1.5 to 2 hectare school sites.

It is further noted that these issues are detrimental for community and school wellbeing as they can result in increased unproductiveness and reduced family time for workers and students due to time lost from traffic congestion, off-site parking, overcapacity schools and travelling to use off-site open spaces and sporting facilities.

Note from LGNSW

This motion is consistent with current LGNSW position 3.2 which calls for State and Commonwealth Government growth plans and projects to make upfront provision for delivery of associated local infrastructure, and LGNSW position 14.4 which calls 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.

X75 Tamworth Regional Council**Increase in federal funding for rural and regional roads**

That Local Government NSW advocates to The Australian Local Government Association (ALGA) to pursue an increase in federal roads funding by \$1 billion dollars, as per the recent research report developed by the Gratton Institute which has uncovered a \$1 billion shortfall in National Roads Funding, which is having a detrimental impact on regional and rural roads.

Note from Council

At the 2023 National Roads congress, the findings of the Gratton report were revealed to delegates.

The Gratton report has highlighted a \$1 billion dollar shortfall in funding for regional and rural roads.

Note from LGNSW

This motion is consistent with position 3.4 of the LGNSW Policy Platform (fairer and increased infrastructure funding from Commonwealth grant programs). This motion can be actioned by consulting with ALGA and advocacy to the Commonwealth Government.

X76 Bega Valley Shire Council**Roads and bridges**

That Local Government NSW:

1. Acknowledges 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 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.

Note from LGNSW

This motion is consistent with resolution 69 of the 2022 Annual Conference, which called for LGNSW to:

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. call 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.

LGNSW can action this motion by again writing to the NSW Government on this matter.

X77 Kyogle Council**Telecommunications delivery issues**

That Local Government NSW calls on the State Government to:

1. Initiate an investigation into the delivery of contemporary telecommunications in rural and remote communities;
2. Commission a report on the deficiencies in the telecommunications network;
3. Commit to acting on the report's recommendations to address critical telecommunications issues that put rural and remote communities at risk.

Note from Council

During scheduled electricity outage, both landline and mobile services are affected, essentially leaving some residents without any telecommunication services whatsoever.

Should there be a significant issue such as motor vehicle accident, medical episode or disaster eg out of control bushfire, flood etc, the ability of residents to request vital assistance is severely compromised, resulting in a possible threat to life and property.

This is but one example of the suboptimal telecommunication services being offered to residents and ratepayers in less populous areas, highlighting the digital divide that has existed between city and country areas for many years.

To date, the rate of progress to close this divide has been glacially slow and will be further exacerbated with the scheduled closure of the 3G network in 2024 as the service range is decreased with the replacement 4G service and the absence of sufficient infrastructure to cover emerging black spots.

Note from LGNSW

This motion is consistent with 2022 category 2 motion X17 (Inadequate Mobile Phone Coverage Across Regional NSW) as well as position 4.4 of the LGNSW Policy Platform which calls for new models for rural and regional infrastructure and service delivery.

X78 Federation Council**Mobile phone coverage**

That Local Government NSW lobbies the State and Federal Governments for improvement in Mobile Phone coverage and a more strategic approach to developing infrastructure across the country

Note from Council

Mobile phone coverage in most areas in regional and rural NSW has not improved in ten years and in many areas is becoming progressively worse.

The current approach to improving this seems to be an ad hoc system including funding, between State and Federal Governments and Telco providers.

In recently looking at a Government website of listed black spots for Federation Council, it is severely outdated. Councils including through Joint Organisations such as RAMJO, are working on this issue but without a more aligned, strategic, informed and ultimately communicated approach, any improvement will still be ad hoc and under achieved.

Note from LGNSW

This motion is consistent with 2022 category 2 motion X17 (Inadequate Mobile Phone Coverage Across Regional NSW) as well as position 4.4 of the LGNSW Policy Platform which calls for new models for rural and regional infrastructure and service delivery.

X79 Bayside Council

Education program to prevent anti-social driving

That Local Government NSW advocates for community safety to eliminate unsafe, nuisance anti-social or "hooning" driving behaviours. LGNSW campaigns with the centre for Road Safety, NSW Department of Education, Transport for NSW for mandatory safe driving programs for secondary schools specific to reducing unsafe driving practices.

Note from Council

Safe driving is enforced by NSW Police, local councils have limited ways to proactively respond to residents and businesses complaints about unsafe, nuisance anti-social driving behaviour. Anti-social hooning driving in NSW is ongoing and therefore requires a multi-pronged approach to preventing unsafe behaviours.

It is important to note that "hoons" in hot spot council areas are both from within area and from outside these local government areas, so a state-wide approach is needed to prevent of hooning.

In discussions with local police executive about anti-social driving, it was indicated that there is an increased need for education programs in local high schools to help prevent anti-social and hooning behaviour. This is considering the importance of reaching young people in early high school, when they are being exposed to older students or siblings, to challenge notions that unsafe driving is "cool".

It is noted that NSW police play an important role in road safety programs, often doing talks in local high schools.

Road safety is also taught in NSW schools as part of the mandatory K-10 Personal Development, Health and Physical Education (PDHPE) key learning area. The K-10 PDHPE syllabus focuses on developing students' attitudes and behaviours to help them become safe pedestrians, passengers, wheels users and future drivers.

This motion requests that this program specifically further addresses anti-social hooning behaviour, to help prevent that behaviour, acknowledging the strength-based approach of the current "On the Move" road safety resources and activities.

Note from LGNSW

This motion is consistent with position 14.5 of the LGNSW Policy Platform (increased state and federal funding and policy measures for road safety).

X80 Wollongong City Council

Requests for 30km speed limit

That Local Government NSW lobbies the NSW Government to be responsive to local government requests for 30km/hour traffic speeds in non-arterial roads.

Note from Council

In 2023 the NSW speed limit guidelines were updated to include 30kmh speed zones the first time, recommending them for roads with large numbers of pedestrians and low traffic levels. The new standard recommends "30kmh speed limits be applied in places with pedestrian attractors and

generators such as foreshore and tourist destinations that have limited through movements of vehicles". This takes into account that vulnerable road users such as pedestrians and cyclists are much more likely to be fatally or seriously injured at impact speeds above 30 km/h. However, there are numerous established suburbs with residential back streets which lack footpaths, pedestrian crossings, separated cycleways or shared paths and have default traffic speeds of 50km/hour.

School communities report there are children that wish to ride or cycle to school, but are not safe to do so along roads with 50km/hour speed zones. So far Transport for NSW has prevented Council and local community from trialling 30km/hour speed zones in areas residential back streets.

Note from LGNSW

This motion is consistent the current LGNSW Position, specifically resolution 49 of the 2019 Annual Conference which called for the NSW Government to review the NSW Speed Zoning Guidelines.

X81 Northern Beaches Council E-bikes and e-scooters community awareness and safety campaign

That Local Government NSW advocates for:

1. The development of a community awareness and safety campaign to improve pedestrian and rider safety in respect of e-bikes and e-scooters, including but not limited to education on the current laws in respect of all electric micro mobility devices.
2. A review of the current NSW Road Rules 2014 and Regulations under the Road Transport Act 2013 to make any necessary changes to improve public safety and to focus on key risk areas:
 - a. speeding of e-bikes and bicycles on shared paths
 - b. e-bike riders approaching and passing pedestrians safely
 - c. the carrying of 3 or more pillion passengers on e-bikes and bicycles
 - d. the altering of e-bike systems to prevent the requirement for pedalling or preventing top speed controls
 - e. setting an appropriate maximum size and weight of an e-bike to reduce risks to pedestrians.
3. The NSW Government to provide capital grants to local government councils to assist with safety improvements to shared paths and/or the separating of e-bikes and bicycles from pedestrians.

Note from Council

This motion is requesting LGNSW advocate to the NSW Government to support community safety regarding e-bikes, e-scooters and other micro mobility devices.

There has been a notable increase in the number of e-bikes, e-scooters and other micro mobility devices being utilised in public spaces. Council rangers do not have an ability to regulate the use of e-bikes or other micro mobility devices on footpaths or other road related areas, unless there is specific signage erected in a public place under section 632 of the Local Government Act 1993 prohibiting an action.

There is a lack of clear data relating to incidents involving e-bikes or other micro mobility devices as they are aggregated with all bike accidents. NSW Police commenced referencing the type of vehicle in accident reports in May 2023, however this data is incomplete as the vehicle is not always recorded at the time of the incident.

The motion is seeking support from the NSW Government with respect to developing community awareness, a safety campaign, a review of legislation and the provision of grant funding to local Councils.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform positions 14.6 (policy and legislation to enable and regulate active transport including e-scooters) and 14.5 (increased state and federal funding and policy measures for road safety). This motion can be actioned by LGNSW by writing to the Minister for Transport.

That Local Government NSW lobbies the NSW government to reform planning and local government regulations to set development assessment and other fees in line with cost recovery to reduce cross-subsidisation and ease cost pressures on councils.

Note from Council

There are a number of factors impacting on the long-term financial sustainability of the local government sector, and councils across Australia are experiencing increasing financial stress. On average, councils generate around 25% of their revenue from user charges (ABS 2022).

Some fees and charges imposed by local governments (such as development assessment fees) are determined by the NSW Government through legislation. Fees set in this manner do not reflect the cost of providing the service because of lack of indexation, lack of regular review or lack of a transparent methodology based on appropriate cost recovery levels.

Research commissioned by ALGA for submission to the Productivity Commission's inquiry (final report handed to the Australian Government on 7 February 2023) acknowledged this, stating that "since Local Governments do not have direct control over the determination of fees set by legislation, this revenue leakage is recovered from rate revenue. This means all ratepayers are subsidising the activities of some ratepayers and developers" (Source: Research for submission to Local Government Productivity Inquiry: Australian Local Government Association (ALGA), August 2022 (by SGS Economics and Planning), p.22)

The Productivity Commission Inquiry into Assessing Local Government Revenue Raising.

Capacity (April 2008) found that "state governments impose legislative and regulatory constraints on the raising of revenue by local governments that affect the ways in which councils raise revenue" and included information and views from different states on the statutory capping of development assessment fees and other charges (p. 122).

Development application fees are capped by state governments in NSW, Victoria and South Australia. They are capped based on cost recovery in Western Australia and Queensland. They are uncapped in Tasmania. Setting caps on fees and charges for development assessments based on cost recovery (in line with WA and Queensland) would deliver the following benefits:

- enable councils to recover the costs of their regulatory functions under planning laws
- allow councils to manage their own finances, adjust charges depending on local factors (e.g. demand for services, labour costs, other revenue streams and willingness to pay) and compete across councils
- make councils more accountable to the local community and ratepayers • enable councils to resource their development assessment functions with the staffing and expertise required to reduce backlogs, deliver a higher quality service and reduce processing timeframes
- encourage the NSW Government and local governments to work together on reforms and efficiencies to realise genuine cost savings, rather than relying on cross subsidisation from ratepayers to keep fees and charges for developers artificially low.

Note from LGNSW

This motion is consistent with current and longstanding LGNSW Policy Platform position 1.2 (Greater autonomy in determining fees and charges) and was advocated in LGNSW's 2021 submission on EP&A Regulation changes. Changes to the Environmental Planning and Assessment Regulation 2021 have meant that from 1 July 2023 there will be an annual increase to planning services fees (such as development applications) in line with inflation.

X83 Penrith City Council**Delivery of affordable housing on state government-owned land**

That Local Government NSW calls upon the NSW Government to take urgent action to address the housing affordability crisis by directly delivering new social and affordable rental housing on State owned land. In particular, obtaining a commitment by the NSW Government to provide Government land, finance and infrastructure for the supply of mixed-tenure affordable housing in every district/region in NSW, including Western Sydney.

Note from Council

We recognise that one of the critical barriers to safe, secure and suitable housing provision for low to moderate income households is affordability. Also that the availability of affordable housing facilitates diverse and vibrant communities. Support is given to mixed-tenure developments where public and private housing co-exist, are built of equal quality, and the nature of housing is "tenure blind".

The NSW Government has an opportunity to lead by example, through developing social and affordable housing on their own landholdings. Utilising Government-owned sites can be a stimulus to development, as well as set the standard for affordable housing in general.

For many NSW councils, the Department of Planning & Environment issued an Approval Letter in 2021 in respect to each council's Local Housing Strategy. It asked councils in their next iteration of the Strategy to identify any Government-owned sites that may be suitable for redevelopment, and particularly, deliver affordable housing outcomes. In this regard, there are a substantial number of NSW Government landholdings across NSW.

Where these sites are close to public transport, jobs and services, there could be a significant opportunity to deliver affordable housing. For instance, landholdings by Sydney Metro that were acquired to facilitate construction of the new Metro lines, could pivot to affordable housing at the completion of the construction stage. Similarly, there are extensive landholdings of the Land and Housing Corporation that provide an opportunity for renewal with improved outcomes for social housing and affordable rental housing provision.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 8.1(c) which calls for the NSW Government to set minimum targets of 5-10 per cent social and affordable housing across NSW and at least 25 per cent on government-owned land and to provide finance, government land and infrastructure for the supply of affordable housing to meet increased demand across NSW. LGNSW has been advocating on this matter including to the NSW Government and Australian Government. LGNSW can further action this motion by writing to the Government setting out this motion and continuing its advocacy on this matter.

X84 Shoalhaven City Council**Meanwhile use of government owned land**

That Local Government NSW advocates for NSW Planning to accelerate its delivery of the land use planning framework facilitating "Meanwhile Use" on land owned by NSW and local government agencies, particularly in Local Government Areas with an identified need for social housing renewal. An immediate opportunity includes TfNSW corridors reserved for future transport projects.

Note from Council

Background: "Meanwhile use" is the concept of utilising vacant properties earmarked for future redevelopment or infrastructure projects to provide a social benefit addressing the social housing shortage and providing emergency and transitional housing. Introduced/Proposed in NSW Government's Housing 2041 Strategy. In 2022, a state parliamentary inquiry recommended the government consider developing a framework for "meanwhile use" in its response to the housing crisis.

Recommendation 2: That the Department of Planning and Environment co-designs with housing and homelessness experts, a framework for meanwhile use that covers suitability of the property, support services for tenants, minimum timeframes, types of buildings, conversion costs and factors, and local community consultation. NSW Planning advertised some proposed provisions for Meanwhile Use on land owned by NSW Government Agencies or Councils. These have not been implemented through planning controls. As an example, Transport for NSW own several properties in the Shoalhaven Local Government Area linked to current and future road projects which may be suitable for meanwhile use.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 8.2(c), which calls for enabling meanwhile use of NSW government assets (land and building) for emergency, transitional and removable housing. LGNSW can action this without a vote at conference by writing to the Minister.

X85 Strathfield Council

Affordable housing

That Local Government NSW advocates to the State and Federal governments for increased commitment to the provision of affordable housing. Not only is Affordable Housing important as it supports working families it also assists in delivering and sustaining diverse communities.

Note from Council

The local government sector advocates for increased provision of Affordable Housing for Very low, Low and Moderate income households. The need for increased supply of housing to meet the needs of the community is acknowledged by all levels of government, industry advocates and the broader community.

It is the responsibility of state and commonwealth governments, as well as local government to improve policy settings so that the public and private development sectors can deliver housing that is well located and supported by local and regional infrastructure including schools, hospitals, open space and recreational facilities.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 8.1(a) which calls for the NSW and Australian Governments to fund a significant increase in the supply of public and social housing and to provide finance, government land and infrastructure for the supply of affordable housing. LGNSW has been advocating on this matter including to the Australian and NSW Governments. LGNSW can further action this motion by writing to the Government setting out this motion and continuing its advocacy on this matter.

X86 Bega Valley Shire Council

Funding for homelessness services

That Local Government NSW:

1. Advocates to the state government for increased funding for homelessness services, including consideration of new models and standards for crisis housing
2. Calls on the NSW Government to increase social housing stock and support community housing providers to increase their stock of social and community housing.

Note from Council

Governments and community services need to work together to ensure a coordinated approach to addressing homelessness, including prevention, early intervention and increasing affordable housing stock including social housing. Additionally, once a person is at risk of, or experiencing, homelessness they need wrap around services to help address the underlying cause not just a response that solely provides a roof over their head.

The housing crisis is seeing an increase in rental stress and homelessness as there are significantly less properties available for rent. Of those that are available, there are few that are affordable for low

or very low income earners. According to the definition, affordable housing is housing that is no more than 30% of a household income – as prices increase, this becomes unattainable for more and more people.

Additionally, waiting lists for social housing are increasing with demand far outstripping availability. Community housing providers are ready to increase their stock and clientele, however require significant investment from governments to enable this.

Housing and homelessness is the responsibility of the state and federal governments, yet it is increasingly left to local councils and community organisations to try and fill the gap, with little to no support from other levels of government. Local councils, particularly regional and remote councils, are cash strapped and often unable to deliver the infrastructure, planning or development required. Passing this responsibility onto local government without support or funding is simply another form of cost shifting. In some cases local councils have land that could be used for affordable housing, yet they lack the financial ability and staff resources to develop that land.

Local governments need urgent federal and state government funding and leadership to develop alternative crisis and short-term accommodation options for the significant and growing number of people who are homeless.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform positions 8.1 and 8.3 which call for increased funding to address homelessness, more social and affordable housing and for new models to increase the supply of affordable housing. LGNSW has been advocating on this matter to the Australian and NSW Governments. LGNSW can further action this motion by writing to the Government setting out this motion and continuing its advocacy on this matter.

X87 Bega Valley Shire Council

Improved public housing

That Local Government NSW:

1. Advocates to the NSW Government for investment in the redevelopment of existing social housing stock to ensure it is fit for purpose and meets current needs
2. Calls on the NSW Government to increase the number of social housing stock through its own portfolio and through partnering with community housing providers.

Note from Council

The federal and state governments need to urgently and significantly increase the stock of social housing, particularly in regional areas where there is a longstanding market failure of private investment in affordable housing. Further investigation of 'Build to rent' and 'build to buy' models should be undertaken, particularly in regional areas where multi-story apartment blocks—the primary model which makes private investment in 'build to rent' models feasible—are not possible/feasible.

Social housing needs to be adaptable and diverse—Australia has an ageing population and the demographics of those needing social housing has changed since most of the stock was developed. Rather than families needing a 3 or 4 bedroom house, we are seeing an increased need for 1 or 2 bedroom units for singles or couples, but predominantly single older women. Existing social housing stock needs to be redeveloped to meet current and future needs, while ensuring that current tenants are not displaced or removed from their support networks.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform positions 8.1 and 8.3 which call for funding for a significant increase in the supply of public and social housing and new models for social and affordable housing. LGNSW has been advocating on this matter to the Australian and NSW Governments. LGNSW can further action this motion by writing to the Government setting out this motion and continuing its advocacy on this matter.

X88 Penrith City Council**Reforming the Rezoning Pathways Program**

That Local Government NSW urgently calls on the NSW Government to take steps towards abolishing or substantially reforming the Rezoning Pathways Program so that:

- a. decision making powers are returned to councils for determining rezoning proposals in their LGAs along with transparency for the community;
- b. the expertise and experience of Councillors to represent their communities is recognised;
- c. the NSW Government does not further diminish the powers of Councillors nor replace established functions of Council through any further rounds of this Program.

Note from Council

In December 2022, the Department of Planning & Environment invited the development industry to apply under a pilot process for the State-assessed Planning Proposal Pathway. Under this pilot, five projects were selected across NSW – including a proposal for up to 1,585 houses at Glenmore Park in Penrith LGA – to work with the Department to lodge a Planning Proposal for assessment by the Department.

The selection of these proposals was based on just four defined ‘key criteria’ but otherwise the Department has provided limited, publicly-available justification for their selections. A second pathway, a State-led Rezoning, would enable the Department to ‘call-in’ and lead rezonings for large geographic areas or precincts it deems to be State significant. In Penrith LGA, Orchard Hills South has been selected as a State-led Rezoning. Notwithstanding collaboration at an officer level, limited opportunity is provided for Council to provide meaningful feedback. Furthermore, a holistic planning and funding package (including DCP and Local Contributions Plan) should be considered in any rezoning, not just the LEP amendment which is the current practice by State Government. The rezoning of land by itself does not ensure development of that land, but only raises false community expectation in relation to development potential of land without the required local infrastructure.

Under the Rezoning Pathways Program, the power of Councillors to consider and determine selected rezoning proposals have been transferred to the Department of Planning & Environment. This overlooks the expertise, experience and representation of Councillors who are intrinsically linked to their community. As a result, there is an erosion of representation by Councillors when making decisions on matters relating to their local government area and the community they serve. This will impact the quality of decision-making and deliver poorer community outcomes.

Penrith City Council is urging LGNSW to advocate on behalf of local councils, to insist on transparent and Council-led rezoning processes that take a bottom-up approach and demonstrate consistency with that council’s Local Strategic Planning Statement and Local Housing Strategy

Note from LGNSW

This motion is consistent with LGNSW Policy Platform positions 7.1 and 7.2 which call for the planning system to ensure the voice of local communities is heard through the councillor representation system and for local government to retain control over the determination of locally appropriate development. Consistent with these positions and this motion, LGNSW has consistently opposed the Rezoning Pathways Program and will continue to do so as and when required in further representations.

X89 Willoughby City Council**Complying development**

That Local Government NSW calls on the NSW Government to review the State Environmental Planning Policy (Exempt and Complying Development) 2008 (‘the Codes SEPP’) to ensure it is operating effectively, includes community consultation, and protects local character.

Note from Council

Since the introduction of the Code SEPP in 2008, Councils have observed the following issues:

- CDCs bypass council policies designed to protect local character and amenity.

- The CDC pathway only requires that immediate neighbours are notified about proposed development (not consulted).
- The CDC process does not allow for community input, feedback, or objections to manage local impacts on amenity, safety, traffic, and local character.
- Councils are the first port of call for community complaints or questions about these developments, despite not being involved in the process.
- Complaints against private certifiers take the government a very long time to process and action is not always taken.
- Development controls are having a significant impact on tree coverage / canopy targets.
- Councils spend time and money chasing infrastructure contributions owed in instances where private certifiers have issued occupation certificates without checking that contributions payments have been made.

Note from LGNSW

This motion is consistent with current LGNSW positions 7.7 and 9.6 which call for councils and communities to be able to determine how housing is delivered in their local areas based on their local housing strategies, and for complying development to be limited to low risk or low impact development, with clearly defined parameters.

X90 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 \$30 million.
2. A transition period is determined to allow councils to plan, fund and deliver this responsibility.
3. Pending the above, the regulatory role of Council is clarified in dealing with complaints about building works being conducted under a principal certifying authority.
4. Mechanisms are established for councils to report poor performance directly to the Private Certification Board for disciplinary action.

Note from Council

NSW councils are now receiving and handling a significant volume of complaints about private certification. Councils have limited authority to hold to account others relied upon to verify the compliance of specific matters such as:

- Certifiers not issuing written direction notices as soon as evidence was presented of any breaches.
- Works would continue with the intent of lodging a building information certificate.
- Interpretation of development standards by the State Environmental Planning Policy (Exempt and Complying Code) 2008.
- Missed inspections would be reliant on lodging a building information certificate.
- Accountability between the roles of the certifiers, builders or applicant.
- The penalty for the breach generally factored as a contingency in the development costs.

One of the main problems with the current system is the need for higher penalties to provide greater incentives for certifiers to do the right thing.

Legislation governing building and certification regulation must contain stronger penalties for non-compliance with conditions of consent or breaches of the relevant Code of Conduct by private certifiers.

Where enforcement action is necessary (e.g. orders, fines, court action and physical rectification), councils are expending significant resources resolving regulatory planning issues without resorting to 'formal' regulatory action, with limited mechanisms for councils to recover compliance costs.

To support an improvement of the current system, an improved audit framework for certifiers and faster responses from Fair Trading NSW to complaints from residents and council is necessary.

The number of building compliance matters being investigated by councils is the highest it has been for many years, which is symptomatic of the extent of concerns about the industry as a whole.

Note from LGNSW

This motion is consistent with 2022 resolution 84 which called for the NSW Government to take steps towards abolishing or substantially reforming the private certification system, and is also consistent with current LGNSW Policy Platform positions 9.2 and 9.3 which call for tighter and more effective regulation of private certifiers and a gradual return of some certification functions to councils unless building reforms can deliver meaningful solutions to problems with the private certification system and address conflicts of interest. LGNSW can action the motion without a vote at conference by including it in submissions and advocacy on the NSW Government's new NSW Building Commission.

X91 Muswellbrook Shire Council

Bring forward employment land to attract new industry

That Local Government NSW calls upon the State Government to streamline planning processes to facilitate industrial, agricultural, commercial, and recreational reuse of mining land currently conditioned to be returned to natural vegetation post-mining.

Note from Council

It is critically important that planning processes are streamlined to enable the unlocking of suitable land to foster the development of industry, agriculture, and commercial opportunities as the economy transitions from mining towards a more diversified economy.

Note from LGNSW

This motion is consistent with current LGNSW Policy Platform position 2.11 and Special Conference 2022 resolution 90 which called for the NSW Government to work with councils, industry, and mines to support the diversification of coal-reliant economies by investigating legislative and procedural change that will better facilitate adaptive reuse of former and current mining lands, following decontamination and rehabilitation.

X92 Narromine Shire Council

Review of EP&A Act to facilitate developments

That Local Government NSW requests the Minister for Planning and Public Spaces to undertake a comprehensive review of the Environmental Planning and Assessment Act 1979 to streamline Planning in NSW and allow developments to proceed in a timely and financially viable environment.

Note from Council

Ensure that legislative requirements allow for a more flexible approach in regional areas vs metro areas.

Note from LGNSW

This motion is consistent with LGNSW position 7.9(a) which calls for reforms to the planning system to streamline plan making and development assessment.

X93 Snowy Monaro Regional Council

Action to protection council staff and councillors from online abuse

That Local Government NSW lobbies the other tiers of government to develop stronger laws and other tools to provide greater protection for Council staff and Councillors from online abuse.

Note from Council

The continued social media abuse of Snowy Monaro Regional Council Staff and Councillors is an occupational health and safety issue. It is the responsibility of Council to provide a safe work

environment, and the above motion provides support to staff and Councillors within the legislation, regulation and legal parameters of Local Government.

In early July 2023 SMRC communications and engagement staff were abused at a Community Bushfire Resilience consultation meeting by a community member, this meeting was stopped due to the abuse to staff and the community members who attended. After the meeting, this person posted social media that threatened, intimidated, harassed, humiliated, slandered and defamed a senior staff member and her family.

Councillors and their families have also been threatened, intimidated, harassed, humiliated, slandered and defamed on social media.

Staff and Councillors live, contribute and work in our community to make a difference. Continued abuse on social media must not continue.

Note from LGNSW

This motion is consistent with current LGNSW position 17.10 which calls for legislative amendments to strengthen laws against threatening, menacing, harassing any person exercising functions under the Local Government Act. LGNSW has been advocating on this matter including to the NSW Government and Police Commissioner. LGNSW can further action this motion by writing to the Government setting out this motion, and continuing its advocacy on this matter.

X94 Waverley Council

Local government's contribution to arts and culture

That Local Government NSW steps up concerted advocacy efforts with State and Federal government decision-makers, including at the newly established federal Creative Australia agency, Create NSW and Destination NSW, to support urgently needed recognition and support of the significant contribution made by local government to the arts and culture sector.

Note from Council

While some State and Federal arts and culture funding opportunities are available for local government organisations, it is rare for many councils to achieve positive grant outcomes. However, local governments make a massive contribution to both cultural infrastructure and programming, and should be better supported with funding by working in a more coordinated and empowered way with state and federal agencies.

Through arts and culture, architecture and design, language, community engagement and leisure, local government plays a significant role in enabling people to participate in artistic and cultural expression. Existing quantitative data vastly under-represents the actual commitment of councils in NSW to arts and culture.

In an era of increasing global homogeneity, local production and participation is especially important. Arts and culture also have serious economic value for communities.

Local governments deliver, fund, host, support and promote arts and culture in their communities. This includes managing more than 4,000 cultural infrastructure sites throughout NSW, as well as delivering services, programs, events and local cultural planning that supports a thriving arts and culture sector ecology.

Some of the ways in which Councils are involved in arts and culture include:

- Hosting events, festivals, performances, workshops, tours and other activities.
- Commissioning, installing and maintaining public artworks.
- Providing spaces for artists and arts program participation.
- Providing subsidies or direct funding for artists and arts program participation.
- Running arts and culture programs in dedicated spaces as well as in adjacent arenas like libraries.

- Investing in the development and maintenance of cultural infrastructure, owning and managing local museums and galleries, performing arts centres, creative studios and more.
- Attracting touring shows to local areas, including performing in council-owned and managed venues.
- Being custodians of local heritage assets.
- Being facilitators of First Nations cultural exchange.

NSW local government invested \$520 million in arts, screen and culture in 2015-16 (the Economic Value of Arts, Screen and Culture in NSW, July 2018).

Given its economic importance, ability to reach hyper-local contingents of the arts and culture sector and its substantial investment in creative infrastructure and the arts, culture and creative industries, local government deserves better recognition from state and federal arts funding bodies.

The NSW Government is currently working towards the State's first Arts, Culture and Creative Industries Policy and LGNSW should be using this opportunity to ensure that local government support of practitioners and audiences is appropriately included and valued in that policy process.

Note from LGNSW

This motion is consistent with position 15.3 (councils to receive fair funding for arts and culture), and 15.5 (stimulus and recovery funding to promote and support arts and culture in local government).

X95 Shellharbour City Council

Destination funding to support regional Vivid roadshow

That Local Government NSW advocates for an expansion of the successful Vivid Sydney Winter Festival and take it to the regions as the "Aurora - Vivid NSW Roadshow".

Interested regional NSW councils identify themselves to LGNSW and that LGNSW on their behalf, approach the Vivid organisation with a view to supporting an expanded program in regional areas.

LGNSW advocate for Destination NSW funding to be distributed to participating regional councils to support the development and implementation of local Vivid Roadshow events.

Note from Council

Vivid Sydney is Australia's largest festival of light, music, and ideas. Events and festivals tourism is one of the fastest growing forms of tourism. They are becoming increasingly popular in regional areas as a means to revitalize local economies. There is no doubt that signature events have huge potential for regional communities. But signature events are incredibly difficult to build from the ground up. The model for successful events regionally takes a known or branded entity and combines that with a unique local perspective and flavour.

This motion allows for the creative and technical expertise of Vivid Sydney to be redeployed throughout regional NSW.

It is intended to spread the financial benefit of Vivid and give a much-needed boost to the economic activity in regional NSW towns and cities during the traditionally slower winter months.

Note from LGNSW

This motion is consistent with resolution 97 of 2019, which called for Vivid to be expanded as a regional roadshow.

X96 City of Parramatta Council

Events and festivals funding in western Sydney

That Local Government NSW advocates to the NSW Government for a review of the current funding methodology to ensure a proportionately fairer distribution of event and festival funding and investment in Western Sydney.

Note from Council

Western Sydney is a key contributor to the NSW visitor economy and currently delivers in excess of \$4.2 billion in visitor expenditure.

Current funding opportunities for events and festivals from the Australian and NSW Government is disproportionate across Sydney and Western Sydney, by population and location. Western Sydney receives a much smaller portion of Destination NSW funding for international sports, cultural, creative and arts events. Between 2015–2022, 354 events were supported in Eastern Sydney, compared with 137 in Western Sydney. A review of methodology is required to ensure fairer funding distribution and investment, noting that events and festivals bring a broad range of economic, promotional and community benefits to local communities. Western Sydney communities should be able to share in the economic and community benefits created by events, supported by the NSW Government.

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. LGNSW can action this without a resolution of conference.

X97 City of Parramatta Council

NSW local government arts and cultural resource

That Local Government NSW advocates for the creation of a dedicated NSW Local Government Arts and Cultural resource funded by the NSW Government to drive investment and support for best practice partnership development between arts and cultural sectors and all tiers of government.

Note from Council

Councils value collaborative relationships held with the NSW Government to plan, fund and support local arts and cultural sectors across NSW. The lack of a dedicated resource has generated several challenges including reduced communication and collaborative planning which compromises broader strategic outcomes in arts and cultural delivery. To ensure the coordination of high-quality creative policy development and program delivery across NSW, collaboration between the arts and cultural sectors and all tiers of Government requires a dedicated resource within LGNSW to enable a shared vision for culturally active, prosperous, cohesive, and healthy communities. This resource would also enable night-time economy, visitor economy, and export industry growth within the arts and cultural sectors.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 15.5 (funding to councils to promote and support arts and culture). LGNSW can action this by writing to the NSW Government.

X98 Snowy Valleys Council

'Face to face' rural and regional banks/building societies

That Local Government NSW advocates to the NSW State Government to set in place appropriate legislation to ensure access to 'face to face' financial transactions through Banks and/or Building Society branches in Rural and Regional areas across Australia.

Note from Council

A Parliamentary Senate Inquiry was held recently in relation to regional bank closures following the termination of hundreds of branches across the country. More than 80 branches have closed around the country since September 2022, and even more have reduced their hours to the point of almost being inaccessible to the average client. With the closure of branches and the loss of face-to-face financial services, advice and support, clients are forced to either travel significant distances or resort to phone or online services. In the Snowy Valleys Council area, the demographic paints a picture of the harsh reality that should there be no access to financial institution branches, our wider community will struggle, and their well-being will be eroded.

Note from LGNSW

This motion is consistent with 2022 Annual Conference resolutions L4 (moratorium on the closing of Australia Post branches in rural towns), and L5 (fully implement the Regional Banking Taskforce recommendations).

X99 Junee Shire Council**Banking services in rural and regional Australia**

That Local Government NSW vigorously pursues the retention of full face-to-face banking services in rural and regional areas.

Note from Council

Junee Council has been fighting the fight to retain Banking Services in Rural and Regional Areas and has been instrumental in achieving the Federal Inquiry examining the social and economic impacts of Rural Bank closures on communities.

This is an important issue for all Rural NSW Councils.

Marginalised and vulnerable citizens require routine access to full bank services in their communities in which they live. Small business is facing higher insurance premiums and cost burdens associated with transporting daily takings to the nearest bank branch which can be hundreds of kilometres away. Service clubs and community organisations who rely of volunteers to operate need full face-to-face banking services . The alternative option is Bank@post which does not and cannot provide the necessary full banking services needed in rural areas.

Council believes that Local Government as an industry should fight the reduction of banking services on behalf of rural communities across rural NSW. To this end Council is putting the above motion to the conference:

Note from LGNSW

This motion is consistent with past resolutions including 2022 resolutions L4 (moratorium on closing Australia Post branches bank branches in rural towns) and L5 (fully implement Regional Banking Taskforce recommendations).

X100 Randwick City Council**Funding council Disability Inclusion Action Plans**

That Local Government NSW calls on the NSW State Government to establish a grant program for NSW Councils that would enable councils to implement actions in their Disability Inclusion Action Plans.

Note from Council

There is very little funding available for councils to fully implement the actions detailed in their Disability Inclusion Action Plans (DIAPs). Disability Inclusion Action Plans are the primary way in which councils can reduce and remove barriers for people with disability and foster more accessible and inclusive communities. They express an organisation's commitment to go beyond compliance and break down attitudinal, physical, communication and social barriers. Assistance from the state government in the form of a grant program would enable more councils to implement more of their actions in a timely manner and for the benefit of local communities. More than 4 million Australians, or around 18% of the population have a disability.

Disability discrimination has serious impacts. Disabled people are more likely to live in poverty, have issues accessing quality, secure housing, and have barriers to employment and education. People with disability are diverse – they have different types and severities of disability and come from all socioeconomic and demographic groups.

Note from LGNSW

This motion is consistent with current LGNSW position 19.3 (Funding to support participation of people with disability in their communities, including funding to implement actions and projects identified in council Disability Inclusion Action Plans).

X101 Narrabri Shire Council**Childcare**

That Local Government NSW calls on the NSW Government, in partnership with the Australian Government, to:

1. Support regional and local government employees with parenting responsibilities to participate in the workforce, by providing targeted capital funding to identified at or nearing capacity areas to construct additional early education and childcare centres to meet community need;
2. Further Implementing taxation and educational incentives to address skills shortages and high vacancy rates for early childhood, childcare and outside school hours care educators in regional, rural, and remote Australia; and
3. Ensure that the implementation of such programs shall not result in cost shifting to local government authorities.

Note from Council

Current challenges with accessing affordable childcare within rural and regional areas is well-documented. This motion seeks to ensure that the issue remains high on the agenda as there has been minimal affirmative action to resolve the current challenges in practical and meaningful terms.

Note from LGNSW

The motion is consistent with current LGNSW positions 19.12 (High quality, universally accessible and affordable early childhood education and care) and 19.14 (Initiatives to address skill shortages and impediments to employment and training).

X102 Bega Valley Shire Council**Skills shortages - childcare**

That Local Government NSW calls on the NSW and Federal Governments to provide incentives to address critical skills shortages in childcare.

Note from Council

The early education sector is experiencing critical shortages of suitably qualified staff, particularly in regional areas. Whilst there have been recent government efforts to make training more affordable, it is important there is a long term commitment to funding early childhood educators and early childhood teachers, and to supporting career pathways for people with an interest in the sector. A long-term multi-pronged approach needs to be applied to this industry-wide problem.

The approach should aim to attract young people into the sector and also offer incentives for those returning to the workforce, or looking for a career change.

Increasing the Award (Children's Services Award 2010), along the lines of the recent increases in the aged care sector, would also assist in lifting the profile of the early childhood sector as a career, and assist providers to attract and retain employees. However, any increase in wages would need to be matched by appropriate subsidies to ensure services remain financially viable.

Increases to funded traineeships would also assist in attracting employees to childcare services and these could be linked to school-based training programs if funded appropriately.

Note from LGNSW

This motion is consistent with current LGNSW positions 19.12 (High quality, universally accessible and affordable early childhood education and care) and 19.14 (Initiatives to address skill shortages and impediments to employment and training).

X103 Albury City Council**Mental health services and infrastructure in regional NSW**

That Local Government NSW calls on the NSW Government to improve the capacity and quality of health services and infrastructure related to Mental Health in regional NSW to meet growing community demand.

Note from Council

A Report by the National Rural Health Alliance has shown that the prevalence of people experiencing mental illness is similar across the nation: around 20 per cent. However, it has been suggested that the comparable rates of mental illness in rural areas and major cities mask a high prevalence of psychological distress and untreated (or undiagnosed) mental illness.

In addition, the ABS National Mental Health and Wellbeing Survey revealed the annual prevalence of mental ill health in 16 to 24-year-olds had surged from 26 per cent in 2007 to 39 per cent in 2020-21 – an unprecedented increase of 50 per cent in 15 years.

The Mental Health Commission of NSW's report on mental health and wellbeing in Regional NSW has identified the priorities that must be addressed by the State of NSW:

- Providing greater access to affordable mental health services, with sufficient workforce and reliable funding.
- Prioritising prevention and early intervention.
- Recognising the impact of social determinants such as job opportunities, education, housing, and transport.
- Meeting the challenges of recent natural disasters and the pandemic on economic security and social connectedness for individuals and the community.

There are growing concerns that NSW health services and infrastructure, particularly in regional areas, is not fully meeting community needs and expectations.

Note from LGNSW

This motion is consistent with existing LGNSW policy position 14.12 which calls for the NSW and Australian Governments to address the mental health crisis and ensure adequate access to care across NSW.

X104 Narrabri Shire Council**Rural health crisis**

That Local Government NSW calls on the NSW Minister for Health and Regional Health to provide long term investment for programming and services to improve the health and wellbeing outcomes for communities in rural and regional areas and urgently establish a Rural Health Taskforce.

Note from Council

Finding solutions to the growing list of issues that are affecting the health of rural and regional communities has been identified at the recent Country Mayors Association (CMA) as a top priority.

Residents of rural and regional NSW expect and deserve more adequate health services, regardless of where they live in NSW. A coordinated, whole of government and community/health sector partnership approach is necessary to resolve these complex and long term issues.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 4.1 (An audit of service delivery and funding flows into rural and regional NSW by State and Commonwealth agencies), 4.4 (New models for rural and regional infrastructure, service delivery, health, mental health care and aged care, including consideration of council coordination and/ or implementation that avoids cost shifting and is built on close collaboration between local, state and federal governments and NGOs). It is also consistent with resolution 85 of 2019 (joint task force representing local, state and federal governments be formed to formulate a model for improving the provision of medical services in rural and regional areas).

X105 Liverpool City Council**Mental health services and accessibility**

That Local Government NSW resolves to:

1. Make representation to both Federal and State governments to work cooperatively and collaboratively as a matter of urgency to strengthen, improve and invest in accessible community-based mental and psychological health counselling and therapy that is sensitive to and meets the complex needs of our diverse community.
2. Make representation to the State and Federal government to urgently implement the findings of mental health services and accessibility report of University of Sydney, Western Sydney University and University of Wollongong (Integrated Mental Health Atlas of South West Sydney) to:
 - a. Fund the development of more community-based psychosocial, primary and community mental health services, as alternatives to hospital care.
 - b. Invest in boosting the role and capacity of NGOs and other services providers.
 - c. To provide more comprehensive, integrated and higher-level mental health services.

Note from Council

Nil supplied.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 14.12 (NSW and Australian Governments to address the mental health crisis and ensure adequate access to care across NSW).

X106 Muswellbrook Shire Council**Prioritise rural and regional health care services**

That Local Government NSW calls upon the State and Federal Governments to support a strategic approach to the provision of health care services, so that public hospitals are upgraded to the required standard, and where specialist health care providers, including obstetric and mental health care professionals, are provided to rural and regional communities. These services can be shared between neighbouring Councils and geographically feasible clusters of Councils.

Note from Council

There is a dearth of specialist health care providers available in rural, regional, and remote areas. As rural areas of NSW continue to be impacted by successive flood and drought events, it is critically important that mental health care services are provided to impacted areas. Rural hospitals, particularly those that provide a regional service, must be appropriately upgraded to ensure an appropriate level of health care is provided so that patients can access specialist health care, such as obstetric and gynaecological services, without the need to travel long distances to urban areas in order to access specialist health care.

Note from LGNSW

This motion is consistent with LGNSW Policy Platform position 4.1 (An audit of service delivery and funding flows into rural and regional NSW by State and Commonwealth agencies) 4.4 New models for rural and regional health, mental health care and aged care). It is consistent with ongoing LGNSW advocacy and multiple past resolutions, including resolution 122 from 2022.

X107 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.

Note from LGNSW

This motion is consistent with current LGNSW Policy Platform position 4.4 (New models for rural and regional health, mental health care and aged care) It is also consistent with resolution 85 of 2019 calling for rural doctor incentives and a joint task force representing local, state and federal governments to formulate a model for improving the provision of medical services in rural and regional areas).

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.

“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.

- (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.

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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;

SCHEDULE B

- (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

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**



Local Government NSW

GPO Box 7003 Sydney NSW 2001
L8, 28 Margaret St Sydney NSW 2000

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☎ 02 9242 4000

🌐 lgsw.org.au

✉ lgsw@lgsw.org.au

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ABN 49 853 913 882

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