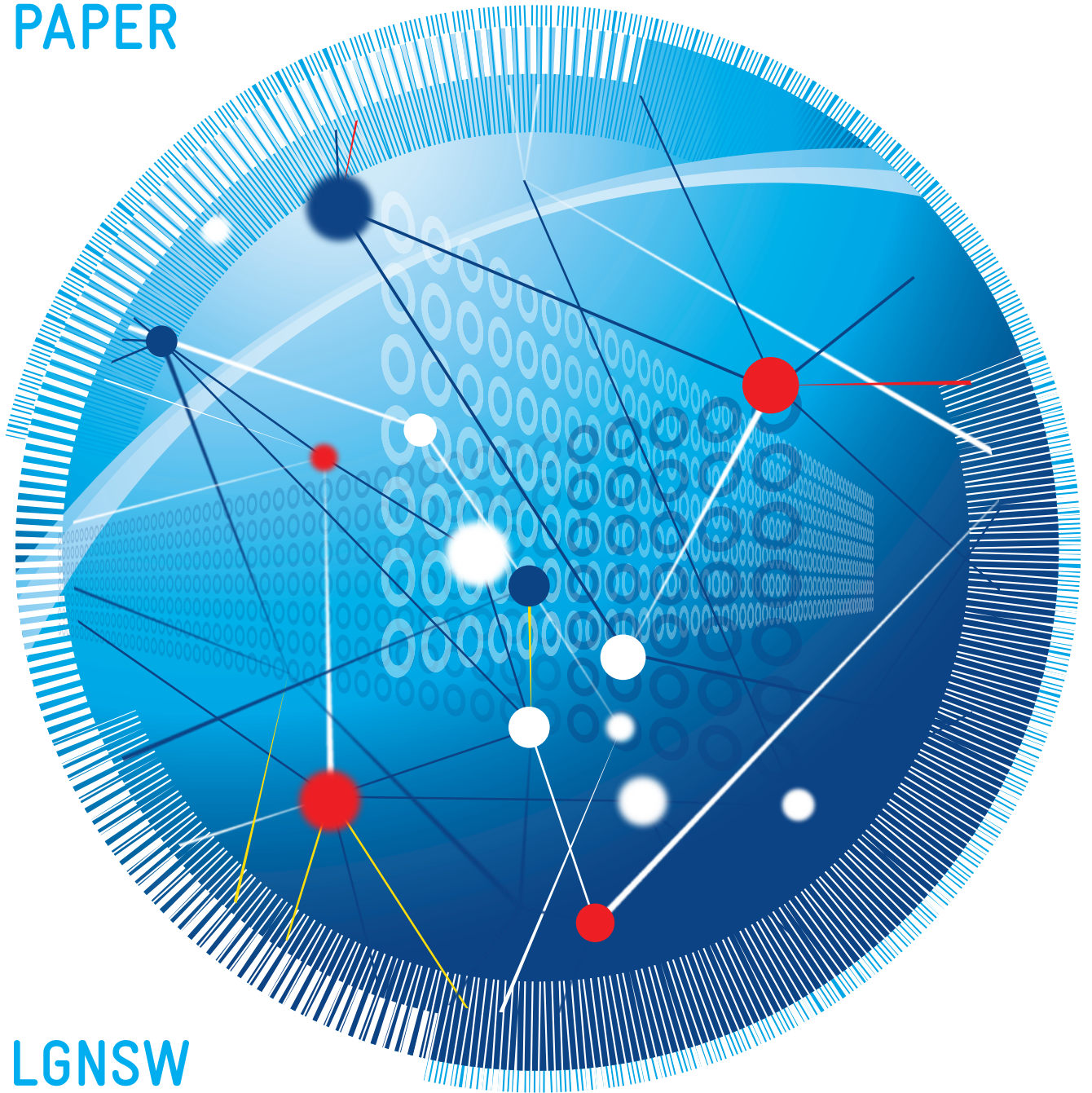




LOCAL
GOVERNMENT
NSW

BUSINESS PAPER



LGNSW
ANNUAL
CONFERENCE
WARWICK FARM
14-16 OCTOBER 2019

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OFFICE BEARERS AND BOARD MEMBERS

Patrons

Bill Bott AM	Doug Sutherland AM
Ray Donald OAM	Chris Vardon OAM
Austin JA Mack OAM	John Wearne AM
Genia McCaffery	The late EH Woods MBE
Phyllis Miller OAM	Peter Woods OAM
Walter (Wally) A Mitchell AM OAM	

President

Cr Linda Scott	City of Sydney
----------------	----------------

Immediate Past President

Cr Keith Rhoades AFSM	Coffs Harbour
-----------------------	---------------

Vice Presidents

Cr Angelo Tsirekas	City of Canada Bay
Cr Scott Ferguson	Blayney

Treasurer

Cr Marjorie O'Neill	Waverley
---------------------	----------

Board Members

Cr Khal Asfour	City of Canterbury Bankstown
Cr Ruth Fagan	Cowra
Cr Lesley Furneaux-Cook	Burwood
Cr George Greiss	Campbelltown
Cr Julie Griffiths	Blacktown
Cr Mazhar Hadid	Liverpool
Cr Paul Harmon	Inverell
Cr Rod Kendall	Wagga Wagga
Cr Karen McKeown OAM	Penrith
Cr Phyllis Miller OAM	Forbes
Cr Michael Regan	Northern Beaches
Cr Marianne Saliba	Shellharbour
Cr Ben Shields	Dubbo
Cr Darriea Turley AM	Broken Hill

Chief Executive

Tara McCarthy	(as of 21 February 2019)
Kylie Yates	(Acting, to 20 February 2019)
Lillian Tiddy	(Acting, to 20 February 2019)

This page is correct at the time of printing

CONFERENCE PROGRAM

Local Government NSW Annual Conference 2019

Monday 14 – Wednesday 16 October 2019

Main conference venue is The William Inglis Hotel, 155 Governor Macquarie Dr, Warwick Farm

This program is correct at time of printing. Speakers and program may have changed due to unforeseen circumstances.

Monday 14 October

- 7.00am – 9.30am Meet the Politicians Breakfast, *Sales Arena*
- Addresses from **the Hon. Gladly Berejiklian MP**, Premier of NSW, **the Hon. Shelley Hancock MP**, Minister for Local Government and **Ms Jodi McKay**, Leader of the Opposition, followed by the politician's panel:
- **The Hon. John Barilaro MP**, Deputy Premier, Minister for Regional NSW Trade and Industry
 - **The Hon. Shelley Hancock MP**, Minister for Local Government
 - **The Hon. Melinda Pavey MP**, Minister for Water, Property and Housing
 - **The Hon. Adam Marshall MP**, Minister for Agriculture and Western NSW
 - **Mr Greg Warren MP**, Shadow Minister for Local Government
 - **Mr David Shoebridge MLC** (*invited*)
- 9.30am – 4.30pm Registration opens, *outdoor covered area between conference room and exhibition*
- 9.45am – 2.30pm **Western City Airport Tour**, *offsite bus tour*
- 10.00am – 4.30pm Councillor Training Workshops (sold out) and Transport for NSW (TfNSW) Workshops and Information Sessions
- 10.00am – 12.00pm
- **Councillor Workshop 1a – Financial Decision-Making in Local Government**, *Garden Pavilion*
 - **Councillor Workshop 1b – Understanding and Measuring Social Impact**, *Grand Armee*
 - **TfNSW Workshop – Road Safety Plan update**, *Pavilion B*
- 1.00pm – 2.30pm
Arrive 12.30pm for lunch
- **Councillor Workshop 2a – Land Use Planning for Councillors**, *Garden Pavilion*
 - **Councillor Workshop 2b – Update on the Code of Conduct**, *Grand Armee*
 - **TfNSW Workshop – Movement and Place Framework**, *Pavilion B*
- 2.30pm High-Performance Vehicle demonstration, *outside at entrance to hotel reception*
- 3.00pm – 4.30pm
Arrive 2.30pm for afternoon tea
- **Councillor Workshop 3a – Local Government Procurement: Efficiencies and Opportunities**, *Grand Armee*
 - **Councillor Workshop 3b – Speaking and Debating Skills**, *Garden Pavilion*
 - **TfNSW Information Session – High-Performance Vehicles**, *Pavilion B*
- 6.00pm – 8.00pm Welcome Reception, *Casula Powerhouse Arts Centre, 1 Powerhouse Road, Casula (Enter via Shepherd Street, Liverpool)*

Tuesday 15 October

Business Session Day 1 – William Inglis Hotel

- 7.30am – 5.00pm Registration opens, *outdoor covered area between conference room and exhibition*
- 8.00am – 4.00am Trade exhibition opens, *The Big Barn and Exhibition Stables*
- 8.00am – 9.00am Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors, *Garden Pavilion*

8.45am	Doors open for conference official proceedings, <i>Sales Arena</i> Distribution of voting materials and electronic handsets
9.05am – 9.10am	Conference introduction Tara McCarthy , Chief Executive, LGNSW
9.10am – 9.15am	Welcome to Country on behalf of Gandangara Aboriginal Land Council, Uncle Malcolm Maccoll
9.15am – 11.00am	Address from Cr Linda Scott , President, LGNSW Opening of the Federal Conference, chaired by Cr Linda Scott , including demonstration of voting units, adoption of standing orders, presentation of the auditor's report, general financial report and operating report to members, business session and consideration of motions. Opening of the State Conference, chaired by Cr Linda Scott , including adoption of standing orders, presentation of the auditor's report, general financial report and operating report to members, business sessions and consideration of motions.
9.45am	Address by Mayor David O'Loughlin , President, Australian Local Government Association
11.00am – 11.30am	Morning tea in trade exhibition area, sponsored by Local Government Super Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors, <i>Garden Pavilion</i>
11.30am – 1.00pm	Consideration of conference business continued, chaired by LGNSW President
1.00pm – 2.00pm	Lunch in trade exhibition area, sponsored by NSW Office of Emergency Management StateCover General Managers Lunch, <i>The Sky High Room, Level 2, JHB Carr Stand, Warwick Farm Racecourse, (next door to The William Inglis Hotel)</i> Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors, <i>Garden Pavilion</i>
2.00pm – 3.30pm	Consideration of conference business continued, chaired by LGNSW President
3.30pm – 4.00pm	Afternoon tea in the trade exhibition area Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors, <i>Garden Pavilion</i>
4.00pm – 5.00pm	Consideration of conference business continued, chaired by LGNSW President Collection of all electronic handsets and motions voting cards Conference business session closes
7.30pm - 11.00pm	Conference Dinner – William Inglis Hotel
7.30pm	Doors open
8.00pm	LGNSW President introduces Elite Sponsor, StateCover Mutual Limited LGNSW President and Elite Sponsor present the AR Bluett Awards, Outstanding Service Awards for elected members
8.30pm	Dinner and entertainment
11.00pm	Function finishes

Wednesday 16 October
Business Session Day 2 – William Inglis Hotel

7.30am – 5.00pm	Registration opens, <i>outdoor covered area between conference room and exhibition</i>
7.30am – 8.45am	Australian Local Government Women's Association (ALGWA) Breakfast, sponsored by Multicultural NSW, <i>The Big Barn</i> Women in Leadership Panel: facilitated by Ellen Fanning .
8.00am – 4.00pm	Trade exhibition opens
8.45am	Doors open for conference official proceedings, <i>Sales Arena</i>
9.00am – 9.05am	Introduction by Ellen Fanning , Master of Ceremonies
9.05am – 9.25am	Recycling campaign launch by Cr Linda Scott , President, LGNSW. Response by the Hon. Matt Kean MP , Minister for Energy and Environment (<i>invited</i>)
9.25am – 9.30am	Partnering to Innovate: Local Government Super
9.30am – 10.10am	Opening keynote: Overcoming the Barriers to Innovation - James O'Loughlin , broadcaster, author, innovation expert
10.10am – 10.35am	Address from Cr Linda Scott , President, LGNSW, on Association Initiatives
10.35am – 10.45am	Treasurer's Report - Cr Marjorie O'Neill , Treasurer, LGNSW
10.45am – 10.55am	Partnering to Innovate: NSW Small Business Commissioner
10.55am – 11.25am	Morning tea in trade exhibition area, sponsored by NSW Small Business Commissioner
11.25am – 12.05pm	Presentation: Disruptive by Design, A Collaborative Approach to Solving Wicked Problems - Paul Hawkins , Chief Combobulator, Crazy Might Work
12.05pm – 12.55pm	Innovation Spotlight – Panel facilitated by Ellen Fanning
12.55pm – 1.00pm	Partnering to Innovate: NSW Office of Emergency Management
1.00pm – 2.00pm	Lunch in trade exhibition, sponsored by JLT
2.00pm – 2.05pm	Partnering to Innovate: JLT
2.05pm – 3.05pm	Closing keynote: Beyond Tomorrow – The Human Revolution - Chris Riddell , Global Futurist
3.05pm - 3.15pm	Close of conference, Cr Linda Scott , LGNSW President
3.15pm – 3.45pm	Afternoon tea in trade exhibition

This program is correct at time of printing. Speakers and program may have changed due to unforeseen circumstances.

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 2019 Conference, the total number of Delegates on the date that the roll of voters closed (15 August 2019) was 479. Therefore, the quorum shall be **241**.

$[(479/2) + 1, \text{rounded up to the nearest whole number} = 241]$.

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, Council 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.

In the case of motions

13. 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.
14. Where dissent is signified, the Chairperson shall require the motion to be moved and seconded.
15. 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.
16. 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.
17. A Delegate seconding a motion shall not be permitted to speak until at least one Delegate has spoken in dissent.
18. 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.
19. 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, shall have had an opportunity to speak on the resolution then before the Conference.
20. 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.

21. 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.
22. When an amendment is before the Conference, no further amendment shall be discussed until that amendment has been dealt with.
23. 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.
24. The mover of an amendment which has been adopted as the motion shall (as in the case of the mover of an original motion) have the right of reply to any further amendments submitted.

New motions from the floor of Conference

25. At least 24 hours' notice shall be given before dealing with any new motions introduced during the Conference (Rule 28(d)).
26. 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.
27. 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

28. 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

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

Manner of voting

30. Only Members' nominated voting Delegates and members of the Board may debate and vote on motions.
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34. A Division may be called following a vote on the show of cards by no less than 10 Delegates.
35. A Division will be taken by use of electronic voting.

Suspending Standing Orders

36. 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

37. 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.

CATEGORY 1 MOTIONS

F1 LGNSW Board

Standing Orders

That the Standing Orders as set out in the preceding pages 9 to 12 be adopted.

[**Procedural Note:** *Presentation of Financial Reports to Members*]

STATE CONFERENCE

STANDING ORDERS – STATE

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

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CATEGORY 1 MOTIONS

1 LGNSW Board

Standing Orders

That the Standing Orders as set out in the preceding pages 17 to 20 be adopted.

[**Procedural Note:** *Presentation of Financial Reports to Members*]

1. LGNSW FUNDAMENTAL PRINCIPLES

2 LGNSW Board

LGNSW Fundamental Principles

That the LGNSW Fundamental Principles, as set out below, be re-endorsed:

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

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

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 Principles represent the issues already endorsed by members in various forms, mainly via conference resolutions and submissions endorsed by the LGNSW Board.

In response to members' feedback, these Fundamental Principles are contained within LGNSW's Policy Platform: lgnsw.org.au/policy/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 among the local government sector. It should be noted that our policy positions, which sit under the Fundamental Principles, will change more frequently as they are more detailed and targeted at specific policy issues of the day.

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

2. DROUGHT

3 Uralla Shire Council

Drought recovery

That Local Government NSW lobbies the NSW and Federal Government to provide funding to assist communities to deal with the effects of drought locally, and that funding be set aside to assist the community to recover from the drought after the immediate effects have diminished and that recovery coordinators be appointed through the Joint Organisations to facilitate drought recovery.

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

Note from Council

The focus of drought relief needs to be on helping communities to help themselves. The media focus on drought has been until recently on the handouts to farmers and fodder relief from governments. Drought also affects our local businesses and their families, local schools and sporting clubs through the loss of students and family members after the families move away.

This leads to a loss of income, depression and a diminution of the community. Every effort should be made to lead and assist the community using local resources and not to leave the community to fend for itself for the years after the drought breaks. It will take a long time for rural communities to recover from the effects of the current sustained drought.

That Local Government NSW lobbies the NSW Government to provide emergency funding relief to drought affected land and business owners to refund the cost of their general land rates.

Note from Council

There has been a noticeable increase in the number of landowners defaulting on farmland and commercial rates due to the ongoing drought. Many farmers have had a substantial reduction in income over several years due to the drought.

Funding assistance to landowners through the refund of general rates will reduce their financial burden, provide an increase in available funds for farm expenditure and improve cash flow for rural Councils experiencing a reduction in rate income due to rate payment default.

Narromine Shire Council

Drought funding council rate rebate scheme

That Local Government NSW lobbies the Federal Government for the reinstatement of the Exceptional Circumstances Scheme along the same lines that it operated prior to abolition, and the NSW Government be called upon to introduce a council rate rebate scheme that is available, on application to those ratepayers who have suffered financial hardship due to drought.

Note from Council

Council's view is that the current assistance does not extend broadly enough to the businesses and contractors that are linked to the agricultural decline caused by the drought and that assistance such as that provided under previous governments, namely the Federal Exceptional Circumstances scheme would provide greater and broader benefit in terms of current conditions and recovery after the drought ends.

It is timely to include a motion to the 2019 LGNSW conference imploring both levels of government to provide a swift and immediate response that allows our agricultural producers, and those that depend on the sector, namely contractors, businesses and farm workers access to greater assistance that will provide the necessary funding for them to continue to operate now and post drought recovery.

4 LGNSW Board

Water Security

That Local Government NSW calls on the NSW Government to develop, in consultation with local government and communities:

1. A comprehensive, integrated and funded emergency plan to address the immediate water supply crisis afflicting NSW towns and communities and a disaster recovery plan for when the drought breaks. These plans should:
 - a) provide greater flexibility, such as allowing temporary transfer of water, where the water does not have current allocations/licensing and it is within the same water source;
 - b) ensure that town water supplies will be secured and maintained; and
 - c) ensure that appropriate consultation is undertaken, when issuing bore licences and other relief measures.
2. Long term (30-40 year) water supply strategies for catchments throughout the State that mitigate the risks from future droughts and the predicted impact of climate change to help ensure population and economic growth targets can be achieved and supported. These strategies should not exclude ambitious infrastructure projects of the scale of the Snowy Mountain Scheme, while storm water harvesting, reuse and recycling and demand management initiatives should feature as key elements of those plans.

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

Bourke Shire Council

Increasing storage to service the Barwon Darling River System

That the NSW Government be encouraged to take a bipartisan approach to identifying options to increasing the level of storage along the Barwon Darling System or able to provide water for the Barwon Darling system to prevent a replication of the significant periods of no flow along the river system.

Note from Council

The issues in the Barwon Darling recently are well documented. The lack of flow in the system has put significant stress on all those who rely on the system for their water supply including agriculture, riparian users and town water supplies.

Whilst it is easy to politicise the blame in relation to the issue, the fact is that successive Governments have done little to remedy the situation. The social economic and environmental to be achieved by the increasing the storage is obvious and urgent action must be taken.

Bourke Shire Council**Looking at long-term solutions to water supply**

That the NSW Government adopt a bipartisan approach looking at opportunities for the ensuring the long term supply of water in Western NSW. These opportunities should not exclude ambitious projects of the scale of the Snowy Mountain Scheme which has reaped considerable benefit for the State.

Note from Council

Ideas such as the diversion of water from the eastern seaboard have been discussed as deemed impractical. With improvements in technology and construction techniques it is not unreasonable to look at revisit these options for water security. The recent drought coupled with predictions of increasingly dry weather with the phenomena of global warming make this a very important issue. The increase in productivity in the Murrumbidgee Irrigation Area based on the provision of a secure water supply is evidence of the economic benefit of such schemes. The lands are fertile and productive in the west of the state and there is a need for the addition of water. The availability of water would lead to increased productivity in these areas; generate employment, leading to population growth and sustainable communities.

Tamworth Regional Council**Strategic water infrastructure to secure town water supplies**

That Local Government NSW requests the NSW Government to invest in the development of long term (30-40 year) water infrastructure strategy/s for the supply of water to town water supplies across the State to ensure population and economic growth targets can be achieved and supported in both metropolitan and regional/rural areas.

Note from Council

It is acknowledged that there is some considerable activity around addressing the current water crisis but the Government has to realise that we will have more (and possibly more severe) dry periods into the future and urgent work needs to be undertaken to secure long term water security. The development of long term strategies, tied to both population and economic growth projections, will provide certainty for business investment and confidence in the long term sustainability of communities.

Cabonne Shire Council**Water security**

That the NSW Government provides funding and the services of the OEH in partnering with councils from the Macquarie, Lachlan and Belubula river catchments to develop a contemporary strategic plan to meet the short, medium and long term impacts of drought and predicted climate change ensuring sustained water security for the region.

Note from Council

Central West NSW like many other regions in NSW and Eastern Australia during the current drought are struggling to deal with the stresses being placed on their potable water supplies. They face significant risks to many of their traditionally reliable water sources. Cabonne Council, being a small water authority servicing Molong from the Molong Creek Dam, finds itself facing next summer with unprecedented low water levels to service the town of Molong as well as the recently connected villages to the scheme being Cumnock and Yeoval. Cabonne is also a member of Central Tablelands Water Authority and understands the advantages of a collaborative regional catchment based approach to servicing our communities water needs.

The current drought has brought focus on some of the local, regional, State and National approaches to secure potable water supplies to our communities. Cabonne Council would urge the State Government to provide significant funding and technical support for an urgent review of the viable options to develop contemporary strategies to mitigate the ongoing medium and long term risks that droughts and the forecasts changes to our climate bring.

Bellingen Shire Council**Community resilience**

That Local Government NSW calls upon the NSW Government to develop a long term strategy for local councils to deal with the ongoing weather patterns associated with our changing climate with the strategy to address research and implementation funding relative to water security, catchment management, community resilience and support to local businesses.

Note from Council

In the context of ongoing drought conditions wherein the whole of NSW has been drought declared with no significant rain forecast impacting significantly on all communities, it is appropriate to undertake long term and strategic planning processes around community resilience.

Lachlan Shire Council**Emergency town water supply**

That Local Government NSW lobbies the NSW Government to provide a 100% subsidy for the cost of carting emergency water to drought effected communities.

Note from Council

Currently the subsidy for carting emergency water to drought affected communities is limited to 50% of the cost capped at \$50,000 per year. The actual cost of providing emergency water is often much higher and well beyond the capacity of small rural councils.

Federation Council**Water management**

That more flexible water management legislation be enacted to allow temporarily transfer of water, in particular water on farms that sits under lakes (private farmland), where the water does not have current allocations/licensing and it is within the same water source.

Note from Council

Council, as a member of the Murray Darling Association, RAMJO, and having a very extensive agriculture and related economy, requires, outside of the current Murray Darling Basin Plan debate, practical changes to be made to the legislation and policy around water. This is particularly evident in the areas of transfers of water, and not being able to access water from a water source, and transfer it to the same water source, without an allocation license.

Council had a situation where it sought the approval to transfer around 800 megs from a supply of around 60,000 megs, but was advised by the NSW Water Access regulator, despite it meeting all Federal and other water and environmental policies, that there was no legislative pathway to allow it to happen. The resulting inability to transfer the water, caused a town lake supply to go dry, and a few years later, the large supply to also go dry. The ability to have been able to fill a smaller lake, would have given significant environmental, social and economic benefits to an area suffering immense drought, for a further two years.

This is not a one council specific area, and whilst differing in nature, the inflexibility of the Water Management legislation in NSW needs a separate review, outside of the Murray Darling Basin Plan matters, for the betterment of all communities.

Orange City Council

Water supply crisis

That Local Government NSW calls on the NSW Government to immediately outline a comprehensive and integrated emergency plan to address the current water supply crisis afflicting the state, as well as longer-term plans to drought-proof the state ahead of future droughts, with storm water harvesting and demand management initiatives as key elements of those plans.

Note from Council

NSW is experiencing one of its most severe droughts on record, with the Central West, Far West and North West regions the worst affected to date. Many regional cities, towns and villages have low water supplies and are at risk of running out of water in the next 12 to 18 months if no significant rainfall arrives. The NSW Government needs to be reassuring those communities that they have water security plans in place both for the short-term and the long-term. Orange City's water supply has been bolstered by its award winning storm water harvesting scheme and the people of Orange have played their part with one of the lowest per capita daily usage rates in the state. Demand management and storm water harvesting should be key elements of the solution for long-term water security in NSW.

Parkes Shire Council

Unprecedented drought

That Local Government NSW seeks the NSW Government's assistance to form multi-agency taskforces to address the ravages of drought in a strategic manner with long-term views, especially in relation to water supplies, climate resilience, financial support and infrastructure.

Note from Council

Most of NSW is now experiencing a drought of record. Water storages are at record low levels and many producers are facing a third consecutive crop failure. The direct effect on producers and the trickle-down effects to the rural commercial sector and communities is debilitating. Any business would be crippled when facing little or no income for extended periods while still incurring normal or increased operational expenses, through no cause of their own. Environmental phenomenon such as extreme drought falls well outside normal business operation, and assistance to maintain rural and regional economies is needed. Similarly, large scale infrastructure should be considered to protect regions from these extreme events. Dams, pipe networks, managed aquifer recharge, efficient fodder transport systems etcetera, all need to be considered to underpin regional economies. An ad hoc approach to increasingly prevalent droughts will not serve the State well into the future.

Greater Hume Shire Council

Increase water capture and storage capacity

That Local Government NSW urges the NSW Government to investigate the concept of diverting coastal rivers inland and other initiatives to increase water storage capacity in NSW.

Note from Council

Council submitted a similar motion to the 2015 Conference which was carried. The 2015 Conference Action report stated the following:

"The NSW Minister for Primary Industries and Minister for Lands and Water, the Hon Niall Blair, responded on the 17 February 2016, as follows: The NSW Government undertook reviews of the feasibility of proposals to divert coastal streams inland in the 1980s, which concluded that there were a number of physically practicable schemes. However, they were shown to be too costly and incur significant environmental impacts. The Snowy Mountains Engineering Corporation further reviewed the potential for diversions from the Clarence River to south-east QLD in 2007.

These investigations also concluded that "The wide ranging economic, environmental and social implications of diverting rivers and piping water make such projects prohibitively expensive, and socially and environmentally disruptive.

The NSW Government has committed \$1.25B to water security through town water supply, wastewater treatment and dam safety infrastructure projects."

Since 2015, many towns across NSW have suffered significant drinking water shortages along with the devastation of many of our irrigation districts and the communities they support. Greater Hume Council is of the view that the appetite for

innovative water collection and storage projects has changed with the Federal Government actively encouraging the development of large-scale water capture and transfer schemes to harvest unallocated water resources through National Water Infrastructure Development Fund and the National Water Infrastructure Loan Facility. There is an opportunity for LGNSW to take a leadership role in demanding that the NSW Government 'come on board' to develop large scale water capture and transfer schemes to increase long-term water availability and security for primary producers, businesses and communities in rural and regional NSW.

Narromine Shire Council

Increase in water storage capacity in regional NSW

That:

1. Local Government NSW lobbies the NSW Government and Federal Government for the immediate increase in water storage capacity in regional NSW dams, for the social, economic and environmental benefits of NSW, particularly regional and rural communities; and
2. The construction of such new facilities (dams) be a priority for the immediate future of NSW.

Warrumbungle Shire Council

Bore water licence notifications

That Local Government NSW lobbies for:

1. More appropriate consultation processes be implemented for WaterNSW when it comes to the consideration of bore water licences; and
2. Due consideration be given for town water supplies when issuing bore licences.

Note from Council

WaterNSW is required to advertise bore license applications once only and not necessarily in the locality that the licence is intended for. Recently we had the experience of being informed by a local resident of a licence approval for a property in the Warrumbungle LGA. Despite there being a regular local newspaper for the township being impacted by the proposed licence WaterNSW had determined that it would advertise the licence in a township over 100kms away and not in our LGA. There is a minor relationship only between the two towns. Of further concern is that the township impacted by the proposed licence draws its town water supply from bores. Despite this, Council was not informed of the proposal and warned of the possible impact on the supply.

3. WASTE AND RECYCLING

5 LGNSW Board

Waste and resource recovery

That Local Government NSW calls on the NSW Government to reinvest the waste levy to:

1. Fund regions of councils to develop regional waste plans for the future of waste and resource recovery in their regions, which include infrastructure and circular economy solutions to address the needs of our cities and regions.
2. Fund the delivery of priority infrastructure and other projects, procured by local government, that are needed to deliver the regional-scale plans, particularly where there is market failure identified in the regional plans.
3. Increase local and state government procurement of recycled goods made with domestic content, for example by:
 - a) adopting recycled content targets to help drive demand and provide incentives to deliver on these targets.
 - b) funding further research, development and delivery of recycling technologies and products generated from recyclables, particularly by local or regional councils.
4. Fund and deliver state-wide education campaigns on the importance of recycling to encourage the right way to recycle, the purchase of products with recycled content, as well as promote waste avoidance.
5. Work with the Federal Government to introduce producer responsibility schemes for soft plastics and other emerging problem wastes.

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

Note from Board

The NSW Government collects more than \$770M each year from its waste levy but it only returns a small portion of that money - less than 20% - to waste and recycling services in NSW.

A growing number of councils have endorsed LGNSW's Save Our Recycling campaign following its launch at the 2018 Annual Conference. The campaign calls on the NSW Government to fully reinvest its increasing waste levy revenue in better planning and management of our waste and recovered

resources to drive a circular economy. The NSW Government has been slow to act on this issue, and the problem is growing with the need for a solution becoming even more urgent.

LGNSW calls on all councils to support the campaign with a renewed focus in 2019-20 as outlined in this motion.

Blacktown City Council**Waste Less Recycle More – extension of program beyond 2021**

That Local Government NSW calls on the NSW Government to urgently commence the planning for Waste Less Recycle More 2022-2026 to ensure that there is no delay in providing support and funding to local government and industry at this critical time.

Note from Council

The current funding for Waste Less Recycle More finishes in June 2021. It has been identified in many consultations and forums, including the SOS Recycling Campaign facilitated by LGNSW, that the amount of funding provided through Waste Less Recycle More needs to be increased at this critical time. An increase in funding will only be considered if government is provided with a strong cost benefit analysis, which takes time and resources. It is vital that there is no delay in undertaking this work.

North Sydney Council**Sustainable disposal of household recyclables**

That Local Government NSW presses State and Federal Governments to work urgently together and with local government to address the current crisis in sustainable disposal of household recyclables brought about by the recent and continuing steady decline in overseas markets for recyclable product.

Note from Council

Motion arises from community concern regarding media reports of a consistent decline in markets overseas acceptance of recycling product (especially plastic, glass and paper) from Western nations and council acknowledgement that the position is serious and may result in the unsustainable outcome that, absent local solutions, such product may be diverted to landfill.

Fairfield City Council**Insufficient capacity for Alternative Waste Treatment**

That the NSW EPA prioritise the completion of its Draft Waste Resource Recovery Infrastructure Strategy and detail locations and funding for the provision of a number of new Waste and Resource Recovery facilities to meet the pressing waste management needs of the Sydney basin and broader State regional areas.

Note from Council

Fairfield City Council recently received a performance audit by the NSW Auditor General on Domestic Waste Management. The audit report found that Fairfield City collects and transports its domestic kerbside waste effectively and process it at a low cost. The headline of the report however, indicates that the waste processing capacity for Sydney Metropolitan is insufficient and there is no strategy by the State Government for ensuring adequate waste infrastructure.

The NSW EPA's Draft Waste and Resource Recovery Infrastructure Strategy 2017 has never been finalised which is a major concern given the continued high population growth of the Sydney Metropolitan Area. The State Government must stop avoiding this responsibility and quickly complete the Strategy and advance detailed funding for the provision of a number of new Waste and Resource Recovery facilities before a major public health and recycling crisis eventuates.

Fairfield City Council**Greater share of the NSW waste levy for Western Sydney councils**

That the State Government hypothecate 50% of the State waste levy to councils in NSW to support the planning, funding and construction of new Waste Resource and Recovery facilities.

Note from Council

Fairfield City Council is part of Western Sydney which carries the burden of being the final point of disposal for most of Sydney's waste, yet over the past five years, the councils of Greater Western Sydney received a return of just 8% of the levy paid out.

Waste levy paid and received by Western Sydney Councils (last 5 years):

Paid into the Waste Levy	\$254,660,000
Received for waste initiatives	\$20,967,000
Levy "retained" by the state government	\$233,693,000
% returned to councils	8%

Reinvesting waste levy funds into waste and resource recovery infrastructure and programs will not only assist with the current recycling crisis but will also help to address some of the chronic and systemic challenges faced by Fairfield City Council and the Western Sydney region. These challenges were identified by the NSW Auditor General within its June 2019 Report to Parliament entitled 'Domestic waste management in Campbelltown City Council and Fairfield City Council'.

Inner West Council**Australian based recycling industry**

That Local Government NSW works with the NSW and Federal Governments to immediately develop an Australian-based recycling industry to ensure the safe re-use or disposal of recycled materials in NSW and Australia.

Note from Council

The ongoing crisis in recycling that was signalled by the refusal of the Chinese Government to accept raw recycled material from Australia highlighted the absence of an onshore recycling sector in Australia. As a community, Australians are deeply committed to recycling, a commitment that is vital for our environmental security and a commitment that must be respected by all levels of government. Australian-based recycling industry would ensure the safe re-use of recycled materials, ensure that those materials unable to be recycled can be safely disposed of, build community confidence in our recycling system and create Australian jobs.

Uralla Shire Council

Resource recovery

That Local Government NSW lobbies the NSW Government to fund further research into potential safe products that can be generated from recyclables by local or regional councils to reduce the need to send raw materials overseas.

Note from Council

There is a need for long-term sustainable solutions to the recycling crisis. We also need local solutions that do not involve the transport of recyclables over long distances for processing. Research should be carried out into the options for processing recyclable materials into products that can be used or processed locally or provide cost-effective materials for use in council day-to-day operations.

This could be, but not excluded to, glass sand, road base, compost soil, plastic chips and waste-to-energy to provide a local power source. If funds are not provided to work through the problems we will never get to a viable solution in the future.

Lismore City Council

100% waste levy reinvestment into waste initiatives

That the NSW Government demonstrates how it has invested in recycling industries and ensure a greater share of the S88 *Protection of the Environment Operations Act 1997* NSW Waste Levy is reinvested into recycling technologies and;

1. Mandates the reduction in front end waste from food packaging;
2. Mandates closed loop requirements for food manufacturers to manage waste.

Note from Council

The *Protection of the Environment Operations Act 1997* (POEO Act) requires licensed waste facilities in NSW to pay a contribution to the NSW Government for each tonne of waste received at the facility. Overall, the NSW Government's Waste Less Recycle More initiative allocates \$801M over 8 years (2013-2021) to waste and recycling, however, the waste levy collected over that same period will be over \$4.62B. Over the past ten years, Lismore City Council has paid more than \$15M in the waste levy.

The following motion was unanimously endorsed at the LGNSW 2018 Conference:

That the NSW Government be called upon to ensure that 100% of the levy arising from Section 88 of the Protection of the Environment Operations Act 1997 be used for waste infrastructure and programs, predominantly by local government and the waste sector, for initiatives such as:

- *Development of regional and region-specific solutions for sustainable waste management (e.g. soft plastic recycling facilities, green waste, waste to energy).*
- *Support innovative solutions to reduce waste and waste transport requirements.*
- *Protect existing and identify new waste management locations.*
- *Local community waste recovery and repair facilities.*
- *Funding a wider range of sustainability initiatives, such as marketing and strategies that promote and support a circular economy.*

Bellingen Shire Council

Waste crisis

That Local Government NSW strongly advocates to the NSW Government to ensure the Waste and Recycling Strategy currently under development recognises the imperative for significant investment in both research and development, and implementation of on-ground infrastructure to enable Australia to respond to the waste crisis and manage its waste in a sustainable manner and that there is no delay in significantly extending and increasing the Waste Less Recycle More funding.

Note from Council

Nationally and internationally, countries are facing a waste crisis evidenced by unparalleled generation of waste, collapse of markets, changing legislation etc. Given the seriousness from an environmental, economic and social perspective, it is important that action and advocacy be taken at all levels of government. To this end, NSW Country Mayors has formally recognised that:

- a. The NSW Government still has no clear plan to manage waste in light of the China Sword and other international changes to recycling.
- b. That land fill sites are processing higher amounts of waste and, therefore, shortening the lifecycle of these sites.
- c. That the increase in waste going to landfill also increases the government's revenue and has impacts on the wider environment.
- d. That NSW is falling behind other States such as VIC and SA in terms of management of waste.
- e. That Local Government Areas (LGAs) should receive a higher amount of the waste levy to deal with increases in cost to manage waste.
- f. That councils are the best placed government bodies to develop new strategies and industries to better manage waste for their communities.

That Local Government NSW undertakes advocacy to both the NSW and Australian governments to fund research and development, as well as investment in infrastructure to address silage waste in a timely way.

Note from Council

In July 2018, Council resolved to write to the Federal Department of Environment and Energy, with a copy to LGNSW, seeking the addition of silage wrap to the *National Product Stewardship Act 2011* list of products. In response to Council's resolution, correspondence was received from the Federal Department of Environment and Energy, which indicated that:

- environmental health and safety impacts of products are regulated under the *Product Stewardship Act 2011*.
- the Act was under review.
- forums to receive feedback were under way.
- council's correspondence was being treated as input.
- the review was anticipated to be finished in 2019.

In the context of the foregoing it is important to note that the issue remains of priority to farmers and, specifically, the costs for disposal of silage is high, with an escalating impost on farmers in the currently challenging drought conditions, so that an environmentally friendly alternative is sought.

Note: Silage wrap is plastic used to wrap bales of animal fodder for agricultural use.

Hawkesbury City Council**The development of a long-term waste strategy for metropolitan Sydney**

That the NSW Government work with local government in developing an effective, environmentally sustainable, financially transparent and economically driven waste management and resource recovery strategy for the state.

Note from Council

Sydney does not have a strategy to meet its waste collection, recycling, re-use, processing and disposal needs. The EPA's 'Waste and Resource Recovery Infrastructure Strategy: Draft for consultation, 2017' highlighted that 'significant investment is needed to develop infrastructure that will process this forecast increase in waste volume'.

The Draft Strategy predicted that, to meet the State's targets for diverting waste from landfill, the Sydney metropolitan area will require the following new facilities by 2021:

- 3 facilities for processing residual waste.
- 2 energy recovery facilities.
- 2 dry recyclable processing facilities.
- 5 garden organic processing facilities.
- 4 food and garden organic processing facilities.

To achieve this, local government:

1. Needs to be genuinely involved.
2. Requires equitable funding from the NSW Government to achieve the NSW Government's resource recovery targets.
3. Requires proper consultation and policy certainty, for example, relating to Alternative Waste Treatment (Mixed Waste Organic Outputs), Waste to Energy, Container Deposit Scheme, Landfill Operations and Recycling 'Crisis'.

Federation Council**Waste levy**

That the State Government commits to a 100% reinvestment of the Waste Levy collected each year into waste minimisation, recycling and resource recovery.

Note from Council

There is a Waste Levy collected each year by the NSW Government, for waste collected in the Sydney metropolitan area, the Illawarra and Hunter regions, the central and north coast LGAs to the QLD border, as well as the Blue Mountains, Wingecarribee and Wollondilly LGAs. Currently not all of this revenue is used in waste and recycling areas, and some is returned to the State Government as consolidated revenue.

Council supported the LGNSW campaign for this to be all spent in the waste and recycling sector, and this could also include Waste-to-Energy development. The State Government, especially considering the latest focus from the Federal Government, for a far more aggressive approach in seeking solutions to the recycling industry issues, needs to be more active and work with councils and Joint Organisations for solutions.

Central Coast Council**State Government waste strategy**

That Local Government NSW advocates for the NSW Government to give priority to the development of its proposed 20-year waste strategy to provide strategic direction to local government in the development of local strategies and actions and provide certainty for investment in innovative solutions.

Note from Council

The waste and resource recovery industry is an essential industry for the community and continues to be a significant contributor to Australia's economy and environment. Local government plays a leading role in the delivery of services, while the NSW Government plays a key role as a regulator and enabler. Councils are facing many challenges in developing their local strategic direction and action plans in the absence of clear direction from the NSW Government. The State Government has previously announced its intention to complete a 20-year Waste Strategy in 2019, however, there has

been limited consultation to date and no engagement plan or project plan released. During this time, however, the State Government continues to introduce new regulations, which have disrupted councils' ability to undertake resource recovery and have stifled industry investment in innovative solutions and infrastructure. The motion will call on the State Government to consult and engage with Local Government to develop a 20-year Waste Strategy for NSW focussed on resource recovery and innovative solutions to waste management.

Ku-ring-gai Council

Better waste management - for a better environment

That Local Government NSW lobbies the NSW Government to prioritise the delivery of waste recovery facilities as key infrastructure for NSW to support a circular economy and minimise landfill.

Note from Council

By 2021, the metropolitan region will have a capacity shortfall of 560,000 tonnes per annum to process mixed waste (equivalent to three facilities) and 540,000 tonnes per annum to process organic waste (equivalent to nine facilities). A lead time of five years is required to establish any new waste facility. Commercial risks are high for councils, so government support is required to ensure facilities are established and to provide stimulus for market formation. The NSW Government's Circular Economy Discussion Paper states that, in Australia, a 5% improvement in the effectiveness of recycling and resource recovery could benefit Australia's GDP by as much as \$24B. Recycling employs three times as many employees as landfilling.

Orange City Council

Recycling crisis

That Local Government NSW calls on the NSW Government to provide a comprehensive report on actions taken over the past 12 months to develop sustainable, long-term solutions to the recycling crisis including initiatives aimed at fostering economically and environmentally sustainable industries that recycle waste in Australia.

Note from Council

The current recycling crisis started when China began to stringently enforce restrictions on the importation of recycled materials in January 2018, under its National Sword Policy. This policy has impacted the global market for recyclable material, including the recyclable material collected in NSW. A key part of the solution to the crisis should be initiatives aimed at fostering economically and environmentally sustainable industries that recycle waste in Australia. The NSW Government has a major role to play in this in terms of industry development and incentives, and a report on progress would be welcomed.

Shoalhaven City Council

Front-end packaging research

That State Government allocates Waste Levy funding towards research and development into front-end packaging to reduce land fill.

Note from Council

Two years ago, China was the primary destination for recyclable materials internationally. However, due to excess contamination within the recyclable materials, the Chinese government introduced "the China National Sword Policy" in January 2018, where imports of recyclable waste are banned if contamination levels exceed 0.5%. Other destinations for these recyclable materials are following suit and unless Australia can lift its game and produce high-quality, sorted recyclable materials, there will soon be no viable option for recycling. Most of the recyclable material coming from the yellow lidded recycling bin is packaging. The reduction in international options for recycling materials has identified that Australia must do more to improve the quality of sorted recycling and to reduce the complexity of packaging materials so they can be more readily recycled. The improvement of front-end packaging standards and their integration is key to this improvement and funds from the Waste Levy at a State level are required to do so.

Randwick City Council

Financially stimulating the emergence of an effective waste recycling industry in NSW

That Local Government NSW continues to note the limited domestic recycling options available in Australia for waste products as a result of the declining international market and responds by liaising with the NSW Government to establish a fair and reasonable formula for the redirection of the Government's share of the domestic waste levy back to Councils to enable Councils to:

- a) Offset the procurement of NSW products manufactured from waste materials;
- b) Maintain momentum in meeting the State Government's increased recycling rates and land fill diversion targets set under its Waste Avoidance and Resource Recovery Strategy 2014-2021;
- c) Financially stimulate the establishment of a commercial waste recycling venture in both their own LGAs and through partnerships with other urban, regional and rural Councils; and
- d) Assist rural-based councils in overcoming logistical and transport barriers in the recycling of local industrial and agricultural waste materials.

Note from Council

The NSW government's Waste Avoidance and Resource Recovery Strategy 2014-2021 includes the following targets relevant to local councils (source: EPA - epa.nsw.gov.au/your-environment/recycling-and-reuse/warr-strategy)

- Increasing recycling rates to:
 - 70% for municipal solid waste
 - 70% for commercial and industrial waste
 - 80% for construction and demolition waste
- Increasing waste diverted from landfill to 75%.

Achieving these targets might be easier if individual councils were allowed to partner with and financially encourage the emergence of domestic recycling industries. A recent ABC article on the budding emergence of a domestic plastic recycling industry servicing agriculture suggests that such a solution is possible (Source: Recyclers tackle growing farm waste problem with innovative plastic products). Key points were:

- 12% of plastic used in Australia is recycled.
- Recyclers say Australia has been lazy about developing end products for plastic waste.
- Australian farmers are finding creative ways to recycle plastic into products such as fence posts.

“Stephen Richards has an ambitious plan to build 26 resin factories, which he says will have the capacity to turn all of Australia’s agricultural plastic waste into products.” (Source: Recyclers tackle growing farm waste problem with innovative plastic products ABC 30-6-2019).

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

Clause 12.5 of LGNSW’s LGNSW Waste Position Statement (Policy Platform Updated June 2019) advocates for: “Creation of viable end markets to drive demand for Australian recycled content through sustainable procurement.”

LGNSW Position Statement 11 “Sustainability Position Statement Fundamental Principles.” – The association states this relates to the two Fundamental Principles of LGNSW: (F) Environment and (G) Social and Community. Under policy statement 11.5 LGNSW states that it advocates for “reduced waste to landfill” and “stimulating markets for innovative and more sustainable products”.

11.5 Commitment to sustainable procurement to drive quadruple bottom line outcomes across local government functions and services including improved efficiency, reduced waste to landfill, financial savings, stimulating markets for innovative and more sustainable products, social responsibility, supporting local communities and businesses and helping to achieve long term environmental and social objectives. (Source: LGNSW’s LGNSW Waste Position Statement)

“In NSW, they impose a waste levy on councils and industry where they raise over \$750M each and every year, and only 18% of it goes back in to the waste industry, in the form of education via councils.” (Source: CH 7 News, 19-6-2019).

Ryde City Council

Soft plastic recycling

That Local Government NSW writes to:

1. The NSW Minister for Environment and Heritage requesting that the Government focuses on:
 - a) Building and operating or facilitating the development of new soft plastic recycling facilities in NSW.
 - b) Working with start-ups on the development of new sustainable materials manufacturing in NSW.
 - c) Developing materials procurement targets to help drive demand for recycled products and provide funding for Local Government to implement these targets.
2. Federal Waste Reduction Minister advocating for the development of product stewardship in order to reduce the volume of soft plastic packaging being sold in NSW.

Note from Council

Currently NSW councils will not accept soft plastics in the domestic recycle bins and direct the community to recycle their soft plastic packaging at a recycle service run by large supermarkets. While availability of this service shows that the two major supermarkets are taking some responsibility for the amount of plastic waste coming from the products they sell, much of the soft plastic waste generated by households will simply go into the domestic red bin, because while many in our community want to recycle soft plastics along with other recyclables – the chore of collecting, driving and depositing the plastic is inconvenient, unlike return and earn collections where consumers take the time because it offers a reward.

It is also worth noting that if every household in NSW returned all of the plastic packaging they consume to the supermarket recycling bin, it is unlikely the supermarkets and the recycling facility would be able to sustain the service. Currently the plastic collected from the recycling bins is transported to Victoria, recycled and sold to sustainable material manufacturers in Victoria, where it is made into park benches, outdoor furniture, landscaping, building materials and roads. Of course, only the required amount of plastic will be purchased by the manufacturers and this depends on the commissions they have.

Given local governments are responsible for the procurement of these products and materials, it is reasonable to ask why they shouldn’t help change this clunky, polluting system by advocating for soft plastic recycling facilities in NSW so this waste can be collected along with other recycling. At the same time it can help create demand for sustainable materials by adopting a State-funded procurement target.

Hopefully this demand for sustainable materials and encouragement from State Government will open opportunities for start-ups in the sustainable materials manufacturing sector, providing job opportunities in regions where communities are currently reliant on soon-to-be-redundant industries and, of course, will limit the amount of soft plastic waste going to landfill.

Ryde City Council

Recycled content legislation for producers of single use plastics

That Local Government NSW advocates for ‘mandated recycling content’ legislation for appropriate industries to be introduced into law within this term of Government.

Note from Council

In order to address the single-use-waste-crisis recycled content legislation needs to be enacted that mandates the use of recycled material into the production of new, single-use products. The legislation would require single-use products and packaging ("Singles") to be made from earlier generations of themselves. The percentage of mandated recycled content should be implemented with a long phase-in period as new infrastructure would be required. A suggested optimum scenario would see 20% recycled content within three years, 50% within five years and 95% within seven years.

The onus and motivation for recycling would shift to the manufacturers of the single-use products.

Producers would be responsible for acquiring recycled material to be utilised in their manufacturing process. Given the existing substantial supply of recycled material from consumers through the local councils' recycling collection services, the producers would easily be able to negotiate directly with local councils to source this Recycled Content or find alternative avenues to access recycled content.

Carbon emissions relating to 'singles' would be dramatically reduced. For example, a plastic bottle made from a used plastic bottle generates 85% less carbon than the same bottle made from virgin raw material. Finite resources will be preserved and land fill pressure would be alleviated and local councils would be assisted in finding a 'market' for their current recyclable waste.

6 North Sydney Council

Mixed waste organics

That Local Government NSW presses the NSW Government to resolve the current impasse in processing and use of "mixed waste organics", towards restoration of a sustainable system for use of this product.

Note from Council

This motion arises from community concern that the October 2018 cessation of processing said product for landscape use and its present diversion to landfill does not represent a sustainable outcome for such a large component of household waste.

7 Federation Council

Waste to energy

That the NSW Government more urgently commits to working with NSW councils to progress waste to energy proposals including using some of the waste levy funding to assist this.

Note from Council

NSW councils, LGNSW and Country Mayors have all debated and contributed to many forums over the past few years especially, on the need to more aggressively seek out solutions for both waste disposal, and seeking further renewable energy options. Despite this effort, little seems to be moving forward in terms of regulatory and funding improvements to put some strategies in place to work towards these solutions.

The growing issue of recycling is also another factor that needs to be considered and a potential resource for waste to energy plants. The State Government should show the leadership required, and work with Joint Organisations where possible to develop regional solutions that fit best for regional areas.

8 Federation Council

Trade waste

That the NSW Government engages with local government and relevant State Government agencies, and industry representatives, to develop a strategy to strengthen end point disposal solutions for trade-waste, especially in regional and rural NSW.

Note from Council

The parameters for compliance are expanding and as with other waste streams, it is getting to the point where there will be no endpoint for disposal. Before implementing new requirements, end disposal points and solutions need to be factored in.

In our regional area of NSW, there are indeed not a lot of legal disposal options for liquid waste streams and sludges that cannot go to sewer. That is already an issue, especially for the western areas. Councils working collaboratively to find environmentally sustainable options would be of great benefit to the community, especially on the matter of public health.

That Local Government NSW lobbies the NSW Government to investigate ways of ensuring that waste from building and construction sites is minimised, properly managed, recycled and disposed, with appropriately scaled fines for non-compliance.

Note from Council

Styrofoam waffle pods are widely used as void forms in the construction of a building slab. A large proportion of new homes under construction in the West Dapto Urban Release area use this product. The Styrofoam waffle pods are prone to being dispersed by wind, causing a serious impact on waterways, farmland and the environment. The current voluntary code of practice for waffle pod use and storage is inadequate and there is ongoing failure to secure these products on building sites.

Between July and August 2019 Wollongong City Council retrieved more than 350 cubic metres (or a 1000 full sized waffle pods) from farmland, roadways, and waterways adjoining development sites at West Dapto.

Wollongong City Council has written to the Minister for Better Regulation and Innovation and the Minister for Energy and Environment outlining the serious pollution incidents that have occurred under the voluntary code of practice. They have been asked to investigate solutions to this issue, including mandating a code of practice and replacing Styrofoam waffle pods with void forms made of sustainable materials such as cardboard, recycled plastics or other materials.

4. IPART – REVIEW OF RATING SYSTEM

That Local Government NSW calls on the NSW Government to:

- a) Open the IPART recommendations on rate exemptions for consultation (Recommendations 14-25). This includes recommendations to remove the rate exemptions for commercial forestry operations, private and commercial leases in national parks and social housing.
- b) Accept and expedite implementation of the recommendations to improve rating flexibility through increased categorisation and sub-categorisation options (Recommendations 29-34).
- c) Adopt the recommendations to introduce Capital Improved Value (CIV) to the NSW rating system as an option available to all councils (Recommendations 1-7).
- d) Adopt the recommendation that growth in rates revenue outside the rate peg be calculated on changes in CIV. This would enable growth in the rate base to keep pace with real growth and the associated increase in demand for council infrastructure and services (Recommendations 1-7).
- e) Reject the IPART recommendations in relation to pensioner rate concessions (Recommendations 26-28).
- f) Accept the recommendation to provide a “catch-up” provision for councils that do not take advantage of the “full percentage increase available to it” to be more flexible. It increases the ability for councils to set rates at a level lower than the permissible maximum if the community experiences a downturn, such as drought. This will remove an unnecessary anomaly (Recommendation 9).
- g) Work closely with local government in reviewing and implementing the supported IPART recommendations.

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

That Local Government NSW advocates that both NSW and Federal government owned land be liable to pay rates as is required of private land owners, with that income to be added to existing rate income of councils.

Note from Council

This land produces income via the sale of resources from the land or by selling access to the sites. These parcels of land are accessed using local road infrastructure and are heavily utilised by heavy vehicle movements of multiple passenger vehicles depending on the sites in question.

It is incumbent upon the owners to contribute to the infrastructure of the surrounding shires.

That Local Government NSW lobbies the NSW Government to review the bases for setting council rates, with a view to introducing Capital Improved Value (CIV) as the basis for setting rates in metropolitan councils, rather than the Unimproved Value (UV) method.

Note from Council

In the Final Report December 2016 of the 'Review of the Local Government Rating System' by IPART, it is recommended that the CIV basis of setting rates should be mandated for metropolitan councils. This is on the basis that it better reflects the benefits a ratepayer receives from council services and is more equitable and better understood by ratepayers. It also addresses limitations of the current system, by increasing revenue from residential and business ratepayers as areas become more built up over time, in a way that is more equitable and efficient.

5. ECONOMIC

Disaster management and recovery

11 Moree Plains Shire Council

Natural disaster funding arrangements

That Local Government NSW makes representations to the NSW and Federal Treasurers regarding concerns over current and potential future natural disaster funding arrangements. In particular:

- a) The definition of a natural disaster should be linked to the capacity of a community to recover from an event, rather than a definition of "serious disruption";
- b) That funding be directed to outcomes that are more resilient to future natural disasters so that community betterment is achieved;
- c) That no further cost shifting occur to local government, noting proposals to increase the level of contribution that councils are required to make;
- d) Relief funding recognises the needs of business, in particular small business, to require support to recover from a range of natural disasters; and
- e) That support be provided post-disaster to improve community social and economic resilience to future events.

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

Note from Council

That LGNSW continues to lobby for reduced local contribution to natural disaster recovery arrangements to 0.25% of rate revenue and that the eligibility criteria for assets be reviewed and expanded. "Serious disruption" is an intrinsically subjective notion and one that can result in many natural disasters not triggering relief arrangements.

The aim of natural disaster assistance should be to place communities in a similar economic condition to that existing prior to the event, but at the same time increase communities' social and physical resilience to future similar events. This is consistent with findings of the 2014 Productivity Commission report. Of particular concern is the potential for an increased financial burden on local government when disaster relief arrangements are triggered.

Councils are an organisation that come under particular pressure during a disaster, both in terms of additional call on resources and at the same time many in the community with reduced capacity to pay rates, etc. Historically "one-off" funding support has been directed towards residential property owners. This ignores the major disruption caused to business communities, in particular small business. In order to rebuild economic capacity, the business sector is equally reliant on support.

There are minimal reviews as to how natural disasters occur unless the disaster is very significant such as the 2009 Victorian bushfires or the 2012 QLD floods. There needs to be support for community-based reviews following any natural disaster that trigger relief arrangements. This should be by way of financial support to the local council to conduct the post-incident review.

That Local Government NSW requests the Federal and NSW governments:

1. Adopt a "fund first, justify later" policy to natural disaster responses up to an approved limit for individuals and councils involving a one off on-site audit of council instead of providing vast quantities of data to multiple state government departments;
2. Establish a single point of contact with Government for councils and a streamlined NDRRA process that avoids duplication and ensures all claims are assessed within three months of lodgement;
3. Provide for greater transparency of decision-making when claims are refused and a better mechanism for independent review of claims;
4. Review the funding arrangements for collection of debris from non-residential rated urban areas to enable recovery of the costs to councils for cleaning up the inevitable rubbish and debris thrown out by businesses in commercial areas.

Note from Council

Lismore City Council was severely impacted upon by a major flood in March 2017. Council has been required to submit large volumes of transactional data several times to multiple state government agencies. Once initially assessed and approved, it has taken over a year for council to receive reimbursement of costs incurred in both emergency works and approved recovery works. More recently, Council has not received reimbursement from Roads and Maritime Services (RMS) before the end of financial year and been advised that the NSW Office of Emergency Management hasn't reimbursed the RMS for these costs, thus RMS is unable to pay councils. Lismore City Council's experience of navigating the process following the flood caused by ex-Tropical Cyclone Debbie in March/April 2017 has been a very drawn out, inefficient, costly and frustrating process that has cost residents access to their homes for up to two years.

Intergovernmental fiscal relations**12 LGNSW Board****Emergency Services Levy**

That Local Government NSW calls on the NSW Government to:

1. Commit to the introduction of a broad-based property tax to replace the Emergency Services Levy on both local government and insurance policies; and
2. Work closely with local government in designing and transitioning to a new funding system.

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

Note from Board

LGNSW commends the Government for responding to local government advocacy on absorbing the large and unanticipated increase in the 2019-20 ESL resulting from changes to workers compensation coverage, however, this only deals with a short-term spike and the long-standing problems with the ESL system remain. On behalf of members, LGNSW has long advocated for an overhaul of current funding emergency services funding arrangements with ESL to be replaced by a broad-based property levy. This would bring NSW into line with emergency services funding arrangements in other states. Replacement with a property levy improves equity, efficiency, transparency and accountability. The proposed and "deferred" FESL was flawed in that it was only to replace the ESL on insurance policies and provided no benefit to councils.

Newcastle City Council**Emergency Services Levy**

That Local Government NSW:

1. Notes that without consultation the NSW Government has implemented a scheme to fund better workers' compensation for the State's firefighters by implementing a new program that charges local governments an increased Emergency Services Levy (ESL);
2. Reaffirms our commitment to working with the NSW Government to significantly modifying the ESL to ensure it is transparent, equitable and accountable;
3. Writes to the Premier calling on the NSW Government to cover the initial additional \$19 million increase to local governments for the first year and then for NSW Government to work with NSW local governments to redesign the funding mechanism for the scheme to ensure fairness into the future.

Note from Council

State legislation passed in November 2018 to address a shortfall in workers' compensation, making it easier for firefighters diagnosed with one of 12 specific work-related cancers to access workers' compensation entitlements, and was imposed without warning.

The legislation imposes an increase of the ESL to local government.

Shellharbour City Council**State Government cost shifting - Emergency Services Levy**

That Local Government NSW calls upon the NSW Government to listen to the concerns of local governments regarding the funding of Emergency Services Levy and commits to fund the additional \$14 million cost for 2019/20 from its own existing reserves and work with local government and emergency services to find a better and fairer path forward.

Note from Council

Council requests that LGNSW, on behalf of councils, expresses concern and condemnation of continued State Government cost shifting to local government, particularly those issued without due notice and community consultation and refer to the current increase in the NSW Emergency Services Levy.

City of Canterbury Bankstown Council

Emergency Services Levy

That Local Government NSW calls on the NSW Government to:

1. Fund the first 12 months of the additional costs of the Emergency Services Levy.
2. Work with local government to ensure the implementation of any increase in required funding be fairer, more transparent, equitable and accountable into the future.

Note from Council

Each year, the NSW Government collects payments from councils and insurers to fund emergency services agencies in NSW, with councils required to pay 11.7% of the budget required by NSW Emergency Services. These charges are embedded in council rates and insurance premiums.

From 1 July 2019 the NSW Government plans to collect an additional \$160M (in 2019/20) from NSW councils, communities and those paying insurance premiums to provide better workers' compensation coverage for volunteer and career firefighters who are diagnosed with one of 12 specific work-related cancers.

Council supports career and volunteer firefighters in NSW – as it does all emergency services workers and volunteers. Indeed, many NSW council staff and councillors are volunteers. We also support the Bill passed in November 2018 to address what was a workers' compensation shortfall.

However, councils at no point were advised they would be required to cover the cost via significant increases to the emergency services levy (ESL), or what this cost would be.

Councils were sent bills with a letter from Revenue NSW in May 2019, saying NSW council contributions will increase by \$19M in 2019/20. The letter also foreshadowed increases in the following year, but not the amount.

Council received an invoice from Revenue NSW for \$4,510,467 for its ESL contribution. This is \$439,997 more than last year's levy, a 10.8% increase. This has meant that council has had to cut its funding for services and capital works by this amount in order to balance its budget.

Proportional to council revenue, the extra \$439,997 Council is being asked to pay is a large amount and the impact of this unplanned cost is certainly felt by the community.

This unforeseen contribution increase, coupled with the lack of consultation with and information provided to Councils prior to the decision being made, highlights yet another example of cost shifting on local government from other tiers of government. Evidence shows the ESL was the third highest contributor to the cost shifting burden on metropolitan councils in 2015/16, at a cost of 16% of income.

Council is therefore seeking that the NSW Government reverse its decision for this financial year (2019/20) and in turn work with local government to ensure the implementation of the funding mechanism is fairer, more transparent, equitable and accountable into the future.

Blue Mountains City Council

Increases in Emergency Services Levy

That Local Government NSW:

1. Continues to advocate that the NSW Government fund the initial \$19 million increase to local government Emergency Service Levy contributions for the 2019-20 financial year; and
2. Advocates that the NSW Government works with councils to redesign the funding mechanism for the scheme to ensure fairness into the future.

Note from Council

In May 2019, Blue Mountains City Council received advice from Revenue NSW regarding emergency services statutory contributions for 2019-20. Contributions for 2019-20 will be \$361,334. This is more than those levied on Council in 2018-19, representing an increase of 16.9%. While Council supports improved workers' compensation provisions for emergency service workers, the magnitude of this increase, without prior notification, represents a substantial and unbudgeted expense that may impact Council's capacity to deliver a range of services and maintenance of community assets.

Council acknowledges that the increase to the Emergency Services Levy impacts all councils, and notes the advocacy already undertaken by LGNSW.

Liverpool City Council

Emergency Services Levy

That Local Government NSW calls upon the NSW Government to:

- a) Fund the initial additional \$19 million increase to local governments in the first year; and
- b) Work with NSW local governments to redesign the funding mechanism and implementation of the scheme to ensure fairness for councils and communities into the future.

Note from Council

The NSW Government plans to collect an additional \$160M (in 2019/20) from NSW councils, communities and those paying insurance premiums to provide better workers' compensation coverage for volunteer and career firefighters who are diagnosed with one of 12 specific work-related cancers.

Councils were sent bills with a letter from Revenue NSW in May 2019, saying NSW council contributions will increase by \$19M in 2019/20. The letter also foreshadowed increases in the following year.

The total Emergency Services Levy contribution for Liverpool City Council for 2019/2020 increased by 16% from last year's levy. This will mean Council will need to find additional funds and/or cut planned initiatives or services.

Council no doubt supports career and volunteer firefighters in NSW – as it does all emergency services workers and volunteers. Indeed, many council staff and councillors are volunteers. However, the sector was at no point advised that it would be required to cover the cost via significant increases to the emergency services levy, or what this cost would be.

It only fair that the NSW Government funds the first 12 months of this extra cost and works with local governments to ensure the implementation of the funding mechanism is fairer into the future.

Kyogle Council**Emergency Services Levy**

The Local Government NSW calls on the NSW Government to fund the initial rise in the Emergency Services Levy to allow for the consultation promised but not undertaken.

Note from Council

It is noted that the State Government has today announced it will fund the first 12 months of the levy.

Kyogle Council**Recurrent emergency services insurance funding**

That Local Government NSW calls on the NSW Government to engage with all NSW councils to identify the most appropriate way forward in providing the necessary insurance for emergency services personnel without further cost shifting of a State funding responsibility to local government.

Note from Council

Rural councils do not have the ability to absorb further costs shifted from the State Government. Full and proper consultation should occur to identify a responsible, sustainable, recurrent funding model.

Uralla Shire Council**Emergency Services Levy**

That Local Government NSW expresses the extreme dissatisfaction of NSW councils regarding the 2019/20 Emergency Services Levy increase and that future increases be limited by the NSW Government's Rates Cap increase and consider the long-term financial sustainability of local government in NSW and their ability to meet such demands within their current budgets.

Note from Council

Many councils are struggling to fund their works and services to the community and long-term sustainability is a key issue. Councils are being forced to divert funds from operational areas to cover the increase and the increases in cost are significant.

Armidale Regional Council**Emergency Services Levy**

That Local Government NSW lobbies the NSW Government to reverse the increases in the Emergency Services Levy imposed on councils.

Note from Council

LGNSW President Linda Scott said in October 2018: "Cost shifting is one of the most significant problems faced by councils in NSW and our research shows it is increasing at an accelerated rate" and "cost shifting is increasingly undermining the financial stability of local government and its ability to deliver the services and infrastructure communities need". The financial difficulties councils face are compounded by rate pegging. An increased Emergency Services Levy is yet another example of cost shifting that LGNSW should oppose.

Tamworth Regional Council**Emergency Services Levy**

That Local Government NSW again requests the NSW Government to take full responsibility for the ongoing funding for the delivery of all emergency services, along with responsibility for all associated assets, and remove this unfair financial burden from local government.

Note from Council

The majority of councils in NSW have long held the view that the funding for the provision of emergency services is entirely the responsibility of the NSW Government, and that all assets held by these services should reside on the balance sheet of the State. The most recent move to increase the Emergency Services Levy by around 20%, whilst for a very worthy purpose, is totally unacceptable to local councils that are already struggling to maintain assets and services under the rate pegging regime.

Forbes Shire Council**Property-based levy for emergency services**

That the NSW Government once again consider the introduction of the property-based Fire and Emergency Services Levy.

Note from Council

In December 2015 the NSW Government announced its intention to move away from an insurance-based levy for the roughly 75% of the cost of fire and emergency services to a property-based levy, bringing it into line with every other State, except Tasmania. This move aimed to ensure that the burden of funding fire and emergency services would not only fall on local councils and property owners who have insurance, but also would be more fairly shared around all property owners.

Local councils spent a significant amount of time and resources preparing for the implementation of this new levy, only for the NSW Government to defer its introduction on May 30 2018 only 1 month before it was due. Local government currently contributes 11.7% of the cost of fire and emergency services. A property-based levy would allow the burden of fire and emergency services to be paid by the end users of these services, and hopefully allow local councils that are already suffering under cost shifting from State Government the chance to be exempted from their current 11.7% contribution for these services. In fact, ratepayers currently bear the cost of the fire and Emergency Services Levy twice, once when they pay their insurances, and once more through their rates via Council's 11.7% contribution.

Greater Hume Shire Council**Emergency Services Property Levy**

That Local Government NSW lobbies the NSW Government to recommence the introduction of a property based Emergency Services Property Levy as a separate and identifiable line item on the Annual Rates and Charges Notice.

Note from Council

As delegates will recall, from 1 July 2017, the NSW Government planned to abolish the Emergency Services Levy (ESL) on insurance policies and replace it with an Emergency Services Property Levy (ESPL), paid alongside council rates.

Unfortunately, the introduction of a property-based ESPL was abandoned by the State Government at the 11th hour in May 2017.

It was promoted as a fairer model for funding fire and emergency services as the burden of funding these services would no longer just fall only on those with property insurance, but all landowners.

Council contends that it is still a much fairer model and that it had added benefit of being a separate and identifiable line item that would clearly indicate to ratepayers the cost of maintaining emergency services in NSW.

Shoalhaven City Council**Emergency Services Levy**

That the State Government:

1. Stages the impost of the increases to the Emergency Services Levy to local government over a number of years.
2. Requests that the IPART factor the increase in the Emergency Services Levy into its determinations with respect to Rate Pegging.

Note from Council

The timing of the notification from the State Government of the 2019/2020 Emergency Services Levy in early June 2019 was of great concern given that the regulatory framework of councils required that councils' draft budgets were to be finalised and placed on exhibition by that time. To its credit, the State Government recognised the impact on councils and, in August, announced that councils' additional contributions would be fully funded by the State Government in 2019/20.

Given the size of the projected increase (for example, an increase of 20.45% for Shoalhaven City Council) from 2020/21 onward, the State Government should stage the increase on councils over three to five years and direct IPART to factor the increase into the calculation of the rate peg from 2020/21 onward.

Bland Shire Council**Increase in the Emergency Services Levy**

That Local Government NSW continues to lobby the NSW Government opposing the increase in the Emergency Services Levy, being payable by local councils, despite the NSW Government's offer to pay the first 12 months.

Note from Council

Regardless of the offer by the NSW Government to meet the first 12 months cost of the increased emergency services levy, Bland Shire Council is strongly opposed to local councils having to meet this additional cost burden at any time.

Council strongly supports its emergency workers, just as it supports the nurses and teachers throughout the State, but local councils are not being asked to fund the workers' compensation funds of these later vital industries, so why should the ratepayers of NSW have to fund the workers' compensation scheme for emergency workers?

13 Carrathool Shire Council**Grant funded projects**

That Local Government NSW lobbies the NSW and Federal governments to allow reasonable timeframes for remote councils to submit applications for projects, and reasonable timeframes for project completion.

Note from Council

Small, remote community councils are experiencing difficulty sourcing trades people to prepare quotes or undertake work in a timely manner. Generally they rely on local employment to keep the funding in the towns. However, tight deadlines make it difficult and would appear to defeat the purpose of helping to sustain the local community if, in order to complete a project, larger regional or city-based organisations have to be engaged to meet timeframes.

14 Bourke Shire Council

Budgetary commitment for delivery programs

That the NSW Government be asked to provide a commitment of longer-term funding to councils to allow them to prepare their four Delivery Programs with an increased degree of surety and, importantly, make provision for and undertake appropriate purchases of plant and equipment and ensure the availability of adequate staff resources.

Note from Council

The current provision of providing funding by the Roads and Maritime Services, for example, does not allow councils to undertake the prudent financial management expected of them. Like commercial enterprises, councils can ill afford to make significant investment in plant and other resources or have the ability to attract qualified and experienced staff when they have only a 12-month commitment of funding.

15 Hawkesbury City Council

Announcement of grant funding

That the NSW Local Government Grants Commission moves the announcement date of Local Road and Bridges Grant Funding from September to May each year to enable the proposed income to be incorporated into council operational plans.

Note from Council

Currently, the NSW Local Government Grants Commission announces funding for councils under the Local Road and Bridges Grants Program in September each year. That funding is for the financial year that commenced on 1 July, three months before the announcement date. Therefore, councils are required to estimate income and make adjustments to their budgets mid-year through the quarterly review process.

16 Wingecarribee Shire Council

Review of grant funding distribution

That the NSW Government:

1. Reviews the methodology used when determining the level of funding distributed to councils and that councils be invited to be part of the review process.
2. Considers an annual allocation of funding to all councils across the State to reduce the complexity of funding programs and that this annual allocation should take into consideration the size, population and infrastructure requirements of each council.

Note from Council

Over recent years, the NSW Government has provided an unprecedented level of funding for local communities through a range of funding programs under the Regional Growth Fund. While the demonstrated community benefits of the record level of investment in regional NSW cannot be argued, there is a concern that the role of local councils is being ignored by the State Government.

There could be a strong argument to rethink the funding structure used by the State Government. This could be in the form of an amount to be paid to all councils based on the population and size, and for each council to determine its community priorities. This would also avoid many instances where councils are required to cover unexpected project shortfalls due to rushed applications based on limited scoping and design. The reality is, however, that any significant change to the current funding approach taken by the State Government is unlikely.

We request the State Government reviews its funding strategies to allow councils to have a greater role in the project selection process and that the evaluation process used by the State Government should be transparent, consistent and made available to councils.

17 Forbes Shire Council**Increase in the funds available through FAGs**

That the Federal Government increase Financial Assistance Grants (FAGs) funding to 1% of Commonwealth tax revenue, prior to any changes to the formula.

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

Note from Board

This motion establishes the position that the quantum of Financial Assistance Grants (FAGs) needs to be increased before changes are made to the FAGs methodology.

Therefore, if carried, this motion would negate motions 18 from Kyogle, 19 from Parramatta and part 2 of the covered motion below from Lismore, which propose changes to FAGs methodology (i.e. they would not be debated).

Note from Council

FAGs provide vital untied funds for local government to invest in and upgrade infrastructure appropriate to their local circumstances, and are generally one of the main sources of funding for rural councils. The relative decline of FAGs grants over the past 20 years (43% decline) coupled with increased cost shifting (for example the recent Emergency Services Levy increases) and rate pegging has meant that many rural councils are struggling to provide the services their communities require.

The Federal Budget allocation for FAGs is currently sitting at around 0.55% of Commonwealth tax revenue, which is a significant decrease from the 1% of Commonwealth tax revenue recorded in 1996. This relative reduction in FAGs grants over time seriously impacts the financial viability of smaller rural councils, which are highly reliant on grant funding for their financial survival.

Lismore City Council**Distribution of Financial Assistance Grants**

That:

1. Local Government NSW encourages all NSW councils to proactively support the Australian Local Government Associations national campaign – A Fairer Share – seeking the Federal Government to restore the national value of Financial Assistance Grants (FAGs) funding to an amount equal to at least 1% of Commonwealth taxation revenue.
2. The Federal Government alters the distribution of FAGs to improve equity in funding across lower population and low rate revenue generating LGAs.

Note from Council

Financial Assistance Grants (FAGs) are a vital part of the revenue base of all councils, and this year councils will receive \$2.4B from the Australian Government under this important program. The value of the FAGs has been declining for more than 20 years. In 1996 the level of funding for the FAGs was equal to about 1% of Commonwealth taxation revenue, but this has steadily fallen under successive Governments until it has reached a level now less than 0.55% of Commonwealth taxation revenue. This decline was exacerbated by a three-year freeze on the indexation of FAGs from 2014-15 to 2016-17, which has cost local government an estimated \$925M in foregone FAGs funding.

FAGs are essential for many councils, particularly those in regional and remote areas of Australia that have very limited access to alternative revenue sources such as rates. These councils are dependent upon the FAGs for the provision of infrastructure and services for their communities.

Lismore City Council received \$6.299M in financial assistance grants in 2018/19. The FAG comprises a general purpose component of \$4.352M and a local roads/bridges component of \$1.946M. The FAG is an untied grant, meaning the council can use these funds for any purpose. For every 1% increase, this would provide an extra \$63,000 per annum in additional untied funding the council could apply to either increasing the scope of projects and activities included in the Delivery Program or bringing forward planned future works such as roads and footpaths, improving the local economy and upgrading parks, playgrounds and sporting facilities.

Moree Plains Shire Council**Restore the overall FAG allocation to 1%**

That Local Government NSW continues to lobby for the overall FAGs allocation to be restored to its original rate of 1% of GDP.

Note from Council

Road funding is the most critical element of overall government transfers in supporting the viability of rural/regional local governments. These areas generally have low population density, even where economic output is high from primary production such as agriculture and mining. Historically, road funding has been heavily weighted towards projects in urban areas largely based on reduction in travel times for urban commuters. Significant weight has not been given to roads in

regional areas that facilitate primary production, including the cost-efficient, reliable and timely transfer of products for export. With inland rail being constructed, there is a significant opportunity to move to “just-in-time” logistics chains. To take advantage of this, however, there is a need to address the “last mile” problem from farm/extractive industry site to intermodal facilities. This requires all-weather local roads that are constructed to meet the standards for road trains. A major benefit in moving to “just-in-time” logistics in regional areas is the opportunity to significantly increase the proportion of freight travelling by rail.

18 Kyogle Council

FAGS minimum per capita

That Local Government NSW calls on the Federal Government to remove Part 1 Sec 6 2b of the *Local Government Financial Assistance Act 1995* to remove the minimum per capita amount grant.

Note from Board

If 17 from Forbes is carried, it would negate this motion and 19 from Parramatta (i.e. they would not be debated).

See Note from Board under 17.

Note from Council

The 2010 Australian Future Taxation System Report (Henry Review) found: “The current requirement that each council receives 30% of its per capita share of untied Financial Assistance Grants may prevent State grants commissions from redistributing to councils that require greater assistance.”

At the 2019 ALGA National General Assembly the following resolution was carried: “That the National General Assembly calls on the Federal Government to remove Part 1 Sec 6 2b of the *Local Government Financial Assistance Act 1995* to remove the minimum per capita amount grant. We are now calling on LGNSW and the NSW Government to support the call for the removal of the minimum per capita grant.”

19 City of Parramatta Council

Indexation of Financial Assistance Grant

That Local Government NSW advocates to the NSW and Federal governments in the strongest possible terms for incorporating GDP growth factor into the escalation methodology of the general component of the Financial Assistance Grant (FAG).

Note from Board

If 17 from Forbes is carried, it would negate this motion and 18 from Kyogle (i.e. they would not be debated).

See Note from Board under 17.

Note from Council

The level of assistance provided to local government by means of the untied general component of Financial Assistance Grants (FAGs) has been declining as a proportion of gross domestic product. In the past 10 years, the percentage of general component of FAG decreased from 0.1% of the national GDP to 0.088%. The reason for this decrease is that the formula used to calculate assistance does not provide growth in the real level of per capita assistance.

The community has expectations for infrastructure improvements and a higher level of services by local government to be linked to GDP growth. The FAG is a major source of revenue for local councils to undertake such work. Both the State and Commonwealth have placed increasing responsibilities on local councils such as Waste Levy, Emergency Service Levy, library funding, regulatory activities, etc. As a result, councils have a limited capacity to raise enough other revenue to cover additional expenditure to address the increase in community expectations. Conversely, taxation revenue collected by the Commonwealth Government increased by 22% over the past five years as a result of GDP growth. This ‘vertical fiscal imbalance’ and ‘cost shifting’ between local and Federal Government continues to worsen and incorporating GDP growth factor in escalation calculation methodology for the general component of FAG will help to address it.

Financial sustainability

20 City of Canterbury Bankstown Council

Investing in critical local infrastructure

That:

1. Local Government NSW calls upon the NSW Government to investigate the establishment of a capital investment funding framework for local government, with the view to bringing forward the funding of critical local infrastructure.
2. Such a framework is to also consider the option whereby the NSW Government forward-funds critical local infrastructure listed in Councils' Contributions Plans.

Note from Council

It is widely known and discussed – local government is entering a critical period in terms of funding public infrastructure, particularly in dealing with unprecedented growth throughout LGAs.

Despite councils across NSW having demonstrated a willingness to improve systems and processes to better manage operational expenditure, it is quite clear that our ongoing ability to continue to fund increasing demand for services, cost pressures and replacing community assets is simply unsustainable.

Whilst Council recognises that it is responsible to ensure adequate funding exists to manage its operations, the ability to either generate and/or access capital funding is not so easy. What is clear is that over the past decade and more, relative funding provided through general purpose government grants continues to decline, whilst cost shifting and state taxes continue to erode our revenue base. Councils are being forced to prop up their operational budget at the expense of replacing assets throughout the LGA, leaving nothing for the early delivery of critical infrastructure to support our future communities.

There is an onus on the NSW Government to ensure it places a greater degree of effort and responsibility to protect and underpin the role of local government for community benefit, particularly in establishing viable revenue and funding options/policies to cope with exponential housing growth and funding new investment throughout NSW, as required.

Whilst certain programs such as the Government's 'Low Cost Loans Initiative' program exist, it does not provide the large-scale funding support needed to address the provision of new and upgraded infrastructure. What is clear is that the State requires a more innovative approach to recognising the crucial role councils play in funding the provision of local infrastructure, particularly where councils have clear Contribution Plans/Strategies in place for funding capital projects from future developer contributions through S94 Plans (now known as S7.11/12 contributions).

Where this exists, the NSW Government should provide, 'up-front', the required capital funding for councils to realise the urgent improvements needed throughout our LGAs and utilise future income streams (be it rates or S7.11/12 contributions) to repay those funds over a reasonable timeframe.

The up-front loan would need to be 'interest-free' so as to ensure that councils are given every opportunity to deliver on their infrastructure needs whilst continuing with day-to-day servicing of the community.

Whilst requiring further analysis, there is some urgency to further investigate this and, more broadly, a revenue framework for local government that looks to dealing with better funding councils infrastructure needs.

Economic policy affecting Local Government

21 Armidale Regional Council **Establishment of regional marketing fund**

That:

1. Local Government NSW calls on the NSW Government for the immediate creation of a \$5 million per annum Regional Marketing Fund for five years to promote living, working and investing in regional NSW; and
2. The Fund be administered by a representative body of councils with membership to be made up of two from regional cities (population over 25,001), two from coastal cities (population over 25,001), two from provincial centres (population from 10,000 to 25,000) and two from smaller country communities (population up to 10,000).

Note from Council

Regional NSW is growing at approximately half the rate of Sydney, which is currently about 2%. Sydney commute times are getting slower and slower and housing affordability is at crisis point and there is an alternative - move to regional NSW.

22 Lismore City Council **Insurance companies association with fossil fuel projects**

That Local Government NSW pressure Statewide Mutual Scheme to commit to refusing insurance for fossil fuel projects and provides a timeframe and target for achieving same.

Note from Council

In order to align with Council's renewable energy and climate change commitments, ask Statewide Mutual to rule out insurance for all new fossil fuel projects and divest from all fossil fuel company shares.

23 City of Sydney **Principles-based procurement**

That Local Government NSW undertakes a review of the legislation and practice that guides local government procurement and prepares a guide for local government on how the existing requirement to obtain 'best value' in the procurement process could incorporate local values and strategic objectives, such as 'buy local', or give adequate consideration to environmental concerns.

Note from Council

Moving forward, this motion gives local governments the ability to understand and determine with full transparency as to whether companies tendering for contracts are values-aligned with the principles and expectations of their communities with relation to other aspects of their business operations.

Principle-alignment is to be determined by each unique council in accordance with its own community expectations and declarations are designed to ensure that councils have the ability to make decisions with greater confidence as to whether they are indirectly supporting companies whose activities may be at odds with the interest of their communities.

It is up to each council's discretion as to what they consider 'value alignment' to be. However, the intention is to give the community confidence that public money is, wherever possible, being awarded to companies and businesses that service broader aspirations of the community. This may include, but is not limited to, considerations that preference local businesses, action on drought, the anti-slavery act, support of LGBTQI communities, climate change and other issues of relevance and importance to the immediate community.

24 Armidale Regional Council **Pensioner concessions for low-income renters**

That Local Government NSW lobbies the NSW Government to consider extending pensioner concessions to low-income renters.

Note from Council

The report 'IPART Review of the Local Government Rating System', released 21 June 2019 states: "The current concession provides no assistance to pensioners who rent property, who on average have significantly lower wealth and income than pensioners who own property" (Chapter 7, p131). It

is desirable to address such inequities. This could be achieved, for example, by providing tenants whose address and length of residence can be verified, with a voucher that could be given to landlords instead of the equivalent amount of rent, or any other way considered practical.

25 Hornsby Shire Council

Flexibility in procurement

That Local Government NSW requests the NSW Government to introduce greater flexibility in procurement for local councils and with similar provisions as those available for State Government agencies and the Small and Medium Enterprises (SMEs) Procurement Innovation Stream, including:

1. For Small and Medium Enterprises (SMEs), the Procurement Innovation Stream upper limit – change from \$250,000 to \$1 million.
2. For proof of concept or outcomes-based trials, engagement of suppliers (SMEs) through direct negotiation on short-term contracts valued up to the set procurement innovation stream limit. Once a trial is complete, a competitive tender process takes place.
3. Tender threshold for local government of \$250,000 be raised by introducing bands according to council's organisation scale, such as:
 - a) Councils with budget under \$25 million = tender threshold of \$250,000.
 - b) Councils with budget of \$25 million to \$50 million = \$500,000 and so forth.
 - c) Up to the highest maximum threshold comparable to the State Government.

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

Note from Council

The NSW Local Government (General) Regulation 2005 - Part 7 Tendering sets out the requirements for tendering. This Part applies to all contracts for which a council is required to invite tenders (section 55 of the NSW *Local Government Act 1993*). Councils are required to take the Tendering Guidelines for NSW Local Government (October 2009) into consideration before exercising any of their functions.

Existing procurement procedures may not accommodate well to contemporary practices of certain initiatives, products and services such as: the trialling or piloting of digital products or platforms for a fixed or short term; the selection of the best product from demonstration products trialled on a fixed short-term basis; entering into partnerships and hackathons. Local councils could be provided with similar flexible procurement options as provided for State Government agencies under the *Public Works and Procurement Act 1912* and the Accreditation Program for Goods and Services Procurement and the Small Medium Enterprises (SMEs) Procurement Innovation Scheme.

Willoughby City Council

Flexibility in procurement

That Local Government NSW requests the NSW Government to cater for contemporary practices by introducing greater flexibility in procurement for local councils through adopting similar provisions as those available for State Government agencies, including:

- Adopt the Procurement Innovation Stream model of supporting Small and Medium Enterprises (SMEs), to engage SME suppliers through direct negotiation on short-term contracts to test the capability of goods and services to meet current and emerging business needs valued up to \$1 million for innovative solutions or outcomes-based trials.

Note from Council

NSW Local Government (General) Regulation 2005 - Part 7 Tendering sets out the requirements for tendering. This Part applies to all contracts for which a council is required to invite tenders (section 55 of the NSW *Local Government Act 1993*). Councils are required to take the Tendering Guidelines for NSW Local Government (October 2009) into consideration before exercising any of their functions.

Existing procurement procedures may not accommodate well to contemporary practices of certain initiatives, products and services such as: the trialling or piloting of digital products or platforms for a fixed or short term; the selection of the best product from demonstration products trialled on a fixed short-term basis; entering into partnerships and hackathons. Local councils could be provided with similar flexible procurement options as provided for State Government agencies under the *Public Works and Procurement Act 1912* and the Accreditation Program for Goods and Services Procurement and the Small Medium Enterprises (SMEs) Procurement Innovation Scheme.

Bayside Council

Tendering thresholds

That Local Government NSW lobbies the NSW Government to review the tendering thresholds specified in Section 55 of the *Local Government Act 1993*, with a view to moving from a current model of setting a common threshold for all councils,

to a more flexible model of thresholds based on the size of council. For example, as grouped by the Local Government Remuneration Tribunal in their determinations.

Note from Council

Recent amendments to the Local Government Act and Regulations has lifted the tender threshold from \$150,000 to \$250,000 for all councils. The Local Government Act Taskforce recognised that the current regulatory approach is prescriptive and restricts councils from taking a strategic, flexible method to procurement. A one-size-fits-all monetary threshold is not suited to NSW local government and a more flexible approach is required.

Own source revenue

26 Blacktown City Council Local Infrastructure Growth Scheme guarantee

That Local Government NSW calls on the NSW Government to guarantee funding to councils in designated Local Infrastructure Growth Scheme transition areas.

Note from Council

As part of a \$4B Housing Affordability Strategy announced by the NSW Government in 2017, \$369M was allocated over the next 3 years to councils in 'Local Infrastructure Growth Scheme (LIGS) transition areas' to subsidise capped Section 7.11 contributions imposed and approved on development consents up to 1 July 2020. It is highly unlikely that the allocation will be sufficient to subsidise all development consents in LIGS transition areas approved until 1 July 2020. Blacktown City alone estimates that it is currently owed over \$270M in LIGS funding from the government and this figure will increase until the cap is removed on 1 July 2020.

27 Bayside Council Rates harmonisation for amalgamated councils

That:

1. Local Government NSW lobbies the NSW Government to adopt a process for the harmonisation of rates for amalgamated councils which does not require the new council to harmonise rates within a 12-month period as currently prescribed in the Local Government Act, and
2. Serious consideration be given to the Local Government - Final Report December 2016 of the Independent Pricing and Regulatory Tribunal, with a view to addressing the constraints of the limitation of the proposed limit of 10% (plus the rate peg) rates increase in the gradual equalisation process, in the case where the difference in rates are significant in the pre-merger areas.

Note from Council

As part of the merger process, amendments were made to the Local Government Act that established a rates freeze for merged councils. Recent amendments to the Act have provided affected councils with the option to extend the rates freeze until 1 July 2021. Without further amendments to the Act, councils are unable to gradually harmonise their rating structures over multiple years and would be required to implement a harmonised rating structure within 12 months. This would be a significant variation for some ratepayers with a rate differential in some rating categories of up to 90%.

28 Central Tablelands County Council Developer contributions for LWUs

That Local Government NSW advocates that local water utilities (LWUs) regulated under the *Water Management Act 2000* be afforded the same flexibility in recovering contributions from developers toward the cost of water and sewer works as applies to metropolitan utilities regulated under the *Water Industry Competition Act 2006*. In particular:

1. LWUs should have the flexibility to recover the cost of existing and new infrastructure (calculated under the utility's Development Servicing Plan):
 - a) entirely from developers of new developments;
 - b) entirely from all existing and new customers; or
 - c) from a combination of both (eg through a cap less than the full developer charge).
2. The manner and extent of the disclosure of any cross-subsidy should be at the discretion of the LWU, in both cases without the LWU being in breach of the Best Practice Guidelines for Water and Sewerage and, therefore, without it impacting on their eligibility for grant funding.

Note from Council

Local Water Utilities (LWUs) operating in regional NSW (ie outside the Sydney Water and Hunter Water regions) service a wide variety of regional communities, from large regional centres to smaller local communities. Each supply area has its own demographics, its own growth patterns, residential and commercial mix, and population demand and property prices. All are required to comply with the same Best Practice Guidelines for Water and Sewerage. This mandates that they calculate developer charges in accordance with a development servicing plan. While this provides flexibility to charge less than the fully calculated developer charge, there are two disincentives to doing so: there are extensive cross-subsidy disclosures required and it will mean the LWU fails to meet best practice guidelines. In addition, failure to meet best practice means a LWU may not pay a dividend from any surplus, and may find that this is a barrier to grant funding applications.

In contrast, in the Sydney Water and Hunter Water supply areas, developer charges are reduced to zero through a Treasurer's direction. This was done, apparently, to remove what had become a barrier to residential development, thereby compounding Sydney's housing shortage and contributing to the increase in house prices. The same rationale applies in many areas of regional NSW. While land prices are much less, developer charges (as a proportion of the value of a block of vacant land) can be very high, particularly in smaller towns and villages, thereby discouraging much-needed development to support growth. The aim of this motion is to give regional LWUs the same flexibility as applies in metropolitan NSW, without the current deterrents.

It is important to note this does not detract from the obligation on all LWUs to fully recover the cost of water and sewerage infrastructure, including incremental costs of servicing new development, to ensure its long-term financial sustainability. It simply allows a LWU to do so flexibly, for example through a mix of developer charges (up front, phased in or deferred), usage charges (standard or consumption surcharges) and access charges, without penalty.

This motion is supported by LGNSW's LWU Policy Advisory Group.

6. INFRASTRUCTURE AND PLANNING

Building regulation and certification

29 Blue Mountains City Council	Delayed implementation of development consents
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That Local Government NSW writes to the NSW Minister for Planning to seek regulatory reform of the NSW planning system to address the delayed implementation of development consents, which currently permit development some 28 or more years after the consent was secured, without obligation to review against contemporary planning and environmental standards or the views of the present community.

Note from Council

The Blue Mountains community has been concerned to observe extensive clearing associated with a Flora and Fauna Park at 10 Great Western Highway, Wentworth Falls, on the basis of a development consent issued in 1989 and secured with physical commencement in 1992. No development of the site had occurred since that time and it had been understood the development would not proceed. Under NSW planning legislation, however, once a development consent has been secured it can be implemented at any time in the future.

Where there are undue delays, in this case some 30 years, development should be required to adhere to present planning standards and the community's expectation for sustainable development.

There is a need to provide for a sunset provision or the like on consents to avoid unreasonable delays in implementation of development consents and development not reasonably meeting contemporary environmental standards.

That Local Government NSW amends Section 5 of the Building Regulation and Certification Position Statement (of the LGNSW Policy Platform), by adding the following new clause:

5.7 - More affordable access to the full suite of Australian Standards for the local government sector and requests the NSW Government supports that access.

Note from Council

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

An expectation has emerged that the state-wide codes can be expanded to higher risk, higher impact and higher density forms of development, such as medium density development.

LGNSW advocates for:

- 5.1 Tighter and more effective regulation of private certifiers by the State Government's building regulators – new regulatory arrangements must be strong, proactively enforced and subject to regular and rigorous audit.
- 5.2 The State Government to take priority action to address the many issues identified in the NSW independent review of the *Building Professionals Act 2005* and the Shergold Weir Report.
- 5.3 A single regulatory body responsible for building regulation and certification that is independent, well-resourced, effective and accountable.
- 5.4 Extensive consultation with local government on any proposed changes to strengthen building regulation.
- 5.5 Complying development to be limited to low risk or low impact development, with clearly defined parameters.
- 5.6 Provisions to protect consumers of building developments against the unsatisfactory professional conduct or professional misconduct of any private accredited certifier who practices as a public official but not in the public interest.

Standards Australia is a peak non-government body that develops and collates building, construction and industry standards. The standards are available to the interested parties for a significant price. This acts as a disincentive for small construction businesses to be properly versed in the requirements for lesser used standards such as access and mobility, as one example.

That Local Government NSW advocates for the NSW Government to review the NSW Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (the Child Care SEPP) and the Child Care Planning Guideline with a view to restoring planning decisions relating to the location, type and design of child care services to local councils.

Note from Council

The Child Care SEPP was introduced in 2017 and provides for non-discretionary development standards that prevent a local council from refusing a development application for a childcare centre on grounds of location, provision of indoor/outdoor space, site area and dimensions. Further, the SEPP specifies that various matters that may be contained in a Council's Development Control Plan do not apply including:

- numbers or groupings of children,
- age and ratios of children,

- operational or management plans and arrangements,
- demonstrated need for service, and
- proximity to other childcare facilities.

This has prevented local councils from having any impact on:

- the design of education and care services to ensure they are meeting best practice,
- the location of these services to ensure they are constructed in areas of need and not in areas of oversupply,
- the type of these services to ensure they meet the needs of local workers and residents, and
- the development of these services to ensure they do not impact on resident amenity.

This is leading to poor planning outcomes and negative consequences for the quality of childcare service provision in NSW.

32 Port Stephens Council **Amendments to derelict building regulation**

That Local Government NSW lobbies the NSW Government to increase councils' legislative powers to manage derelict sites.

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

Note from Council

The community looks to council to manage derelict sites that impact upon the public domain.

Sites become a concern to the community for various reasons, including amenity concerns, crime and anti-social behaviour, impact upon tourism and businesses and property values.

The current wording in the legislation is subjective and open to challenge and stronger definitions are required.

Moree Plains Shire Council **Insurance and burned out houses**

That Local Government NSW makes representations to the Insurance Council of Australia to request that its membership provides as a standard part of building insurance policies cover for site clearance in the absence of proposed reconstruction of a building.

Note from Council

The majority of home building policies will only cover site clearance costs when a building is being replaced. In many rural and regional areas replacement of the building is not sought when it is destroyed by, for example, fire. Rather than seek building replacement, many people (where the value of the property is low) will abandon the land, which ends up with the local council for unpaid rates. Where a property has a partially destroyed or burned out building, the costs of clearing the site are often well in excess of the land value. Many dwellings in rural and regional Australia contain asbestos and the costs of clearing a burnt-out building with asbestos present can exceed \$50,000. At times the land value is only \$3,000 – \$5,000 which places severe cost burdens on the local authority, which it is generally unable to recover from the property owner. Further, funding these removals is often only able to occur over lengthy time periods, which creates an ongoing public health hazard where asbestos is present. By ensuring that all building policies cover site clearance in the absence of building replacement there is an opportunity for local authorities to seek site clearing from the owner with the costs being met from the insurance policy. It is noted that these costs are a small fraction of dwelling replacement costs which may be up to 10 times the amount of site clearance.

Wagga Wagga City Council **Management of dilapidated buildings**

That Local Government NSW and member councils advocate for the better ability to manage dilapidated buildings.

Note from Council

A dilapidated, burnt-out, abandoned or condemned house or building does not exist in isolation to the block of land it exists on. It has an impact on the neighbours and the neighbourhood. There are various circumstances that houses/buildings may be left in a derelict state, which creates challenges for resolving the situation. Although councils have the ability to issue an order for demolition or repair of unsafe buildings, the process is long and arduous where owners fail to comply with an order. Where owners don't comply with an order and Councils are required to undertake the demolition, the recovery of the cost to do so can be problematic. This motion is not calling for a specific outcome, but rather to review the current processes and look for new ways in which these buildings can be addressed in a reasonable timeframe.

33 City of Parramatta Council**Cladding on public and privately owned buildings**

That Local Government NSW calls on the State and Federal governments to:

- a) Provide support and funding to assist in the reduction of the significant financial stress and risk posed by the non-complaint combustible cladding installed on public and privately owned buildings, but especially to those premises with cladding already installed prior to legislative certification changes now deemed non-compliant due to products with removed certifications, and
- b) Introduce additional measures to implement increased resources to the monitoring and inspecting of cladding imports to ensure they meet the legislative certificate ratings required for installation on buildings.

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

Note from Council

Following a high-rise fire tragedy at London's Grenfell Tower in June 2017, the NSW Government announced the creation in 2016 of the Government Cladding Taskforce. As a result inspections were carried out by councils, the Department of Planning as well as Fire & Rescue NSW to identify the buildings at risk of external cladding. Those inspections and subsequent investigations led to the State Government introducing counter-measures to ensure that only adequate products are being used in the building industry. The Ministerial ban introduced by the State Government has resulted in thousands of buildings in NSW being identified as containing the banned product. The size and amount of materials used in a significant number of those buildings means the owners of those buildings now face a potentially disastrous financial situation where they have to finance the replacement of the faulty product while their property has been devalued as a result of the ban, despite having no personal fault.

Further to the situation of the owners, councils in NSW are also faced with a situation where a significant burden is placed upon them in addressing the external cladding matters, while insufficient action is taken to ensure such situations are prevented in the future.

Ryde City Council**Combustible cladding**

That Local Government NSW, in the interests of public safety and certainty, calls upon the NSW Government to publicly release details of the more than 600 "high-risk" buildings that contain combustible cladding.

Note from Council

Two years on from the Grenfell Tower combustible cladding disaster, residents and investors of over 600 buildings identified as 'high risk' still do not know that their building could be highly flammable. In the interests of safety, and to provide certainty to investors, the NSW Government must release the details surrounding the high risk buildings, at the same time as outlining measures it will take to rectify the combustible cladding problem.

34 Northern Beaches Council**Return of certification to councils**

That:

1. Local Government NSW encourages the NSW Government to conduct a review of its policy that allows private accredited certifiers to issue development certificates.
2. This review strongly consider a gradual return of development certificates, construction certificates and complying development certificates to councils, and that the principal certifying authority for developments are gradually returned to council in the relevant local government area.

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

Note from Board

LGNSW's current policy is to call for stronger regulation of private certification, rather than for removing private certification all together and returning it to councils. If carried, this would be a new policy position for LGNSW.

Note from Council

This Notice of Motion (NOM) is relevant for councils across NSW in light of the failure of the private certification process, which is resulting in a growing number of significant defects impacting the safety and amenity of residents of new high density residential buildings. The examples of the evacuation of the Opal and Mascot Towers, and the recent compliance concerns affecting buildings in Erskineville, Zetland and Alexandria are unacceptable and having devastating impacts on owners and residents.

This NOM seeks to restore confidence in the residential construction industry and public faith in the building certification process.

Inner West Council

Phase out the use of private certifiers

That Local Government NSW calls upon the NSW Government to phase out the use of private certifiers over the next three years and return certification to local government to eliminate the conflict of interest inherent in private certification of development.

Note from Council

Communities across NSW are affected the failure of the private certification of building and development. There is an unavoidable conflict of interest in for profit companies paying for the private certification of their projects. The current private system has failed the people of NSW, and has reduced the confidence of communities in the planning and governance of development.

Central Coast Council

Review of private certification

That Local Government NSW calls on the NSW Government to:

- a) Amend current legislation to return the function of building certification to councils on a fee for service basis.
- b) Release a consultation paper, on returning building certification functions to councils, by June 2020 for implementation by June 2021.
- c) Work with the building industry to transition to the new regime.

Note from Council

There is a lot of concern in the community and in councils across NSW and Australia regarding current building standards, particularly in medium and high-rise density developments.

The NSW government introduced the use of private certifiers in 1998. The increasing use of private certifiers in the approval of construction and complying development certificate has been identified as one potential reason for the fall in building standards and is something that needs to be addressed by the State Government. Local councils are still able to provide certification services but are finding it difficult to compete with private certifiers who offer cheaper rates.

The intent of this motion is to call on the State Government to return the function of building certification to council on a fee for service basis.

35 LGNSW Board

Private certification – conflicts of interest

That Local Government NSW calls on the NSW Government to identify how it intends to address unresolved conflict-of-interest concerns highlighted in the 2018 Options Paper; and to undertake a review, in consultation with local government, of alternative solutions to address conflicts of interest with private certification. The review should include consideration of:

1. Introducing a system whereby certifiers are allocated from a register rather directly engaged by the applicant or builder;
2. Random appointment of certifiers from a panel or by some other method that significantly reduces the conflict of interest issues inherent in the current system; and
3. Councils having a pool of Certifiers that residents can use, with council retaining overarching control of the process.

Note from Board

Unless and until the government agrees to phase out private certification, we need to have measures in place to address conflicts of interest with private certification. If a decision is made to phase out private certification, the practical reality is that this would involve a lengthy transition period to implement and in the interim period, conflicts of interests would still need to be regulated.

Lane Cove Council

Building and Development Certifiers Bill 2018

That Local Government NSW requests the NSW Government to:

1. Finalise the Building and Development Certifiers Bill, which has not progressed since September 2018.

2. Select as the preferred method of selection of Private Certifiers, whereby respective councils have a pool of Certifiers that residents can utilise, with council retaining overarching control of the process.

Note from Council

Council has campaigned for regulatory reform that seeks to improve levels of governance and eliminate the deficiencies identified with the Private Certifier scheme.

Hunters Hill Council

Reform of complying development certification

That Local Government NSW writes to and engages with the Minister for Planning and Public Spaces, advocating reform of Complying Development and the role of Private Certifiers, consistently with the recommendations of Michael Lambert's Independent Review of the Building Professionals Act 2005, including:

1. Legislative amendments to include a consolidated statement of the role and functions of certifiers;
2. Development of protocols governing the relationship between private certifiers and councils, including roles and responsibilities with respect to compliance and enforcement that will allow councils to intervene promptly as required;
3. Empowering councils to refer Complying Development Certificates ('CDCs') where there are questions about genuine compliance to a statutory body for prompt reassessment to avoid the cost of litigation in the Land and Environment Court, which under s 4.31 of the Environmental Planning and Assessment Act is currently the only means by which a CDC can be declared invalid;
4. Empowering private certifiers to issue Compliance Orders to allow prompt rectification of non-complying work;
5. Establishing a publicly accessible electronic filing system for all certifiers, holding information on all building projects, including: drawings and other material submitted with an application for a CDC, certificates issued, inspection reports and all supporting material for any assessments to ensure these functions are performed with full transparency;
6. Removing the commercial nexus between developers and certifiers by introducing a system whereby certifiers are allocated from a register rather directly engaged by the applicant or builder; and
7. Providing additional funding to local government that appropriately recognises the compliance and enforcement work it performs.

Note from Council

This motion restates substantial reform recommendations of Michael Lambert's Independent Review of the Building Professionals Act 2005 ('Lambert Review') in relation to private certification, which the NSW Government has not acted on.

Additionally, the motion recommends that councils be able to refer CDCs where there are questions about genuine compliance to a statutory body for prompt reassessment to avoid the cost of litigation. The current remedy of application to the Land and Environment Court to have a CDC declared invalid, puts a significant barrier in the way of an innocent party impacted by the development. Expedious resolution of disputes about the validity of CDCs will benefit all parties and put certifiers on notice that there is a review mechanism for their approvals.

Orange City Council

Building regulation - private certifiers

That Local Government NSW acknowledges the proposed reforms by the NSW Government to building regulation but argues that:

- a) They do not go far enough,
- b) Additional reforms are needed to prevent builders from choosing their own certifiers, and
- c) Private certifiers should be appointed randomly from a panel or by some other method that significantly reduces the conflict of interest issues inherent in the current system.

Note from Council

The issues with private certifiers in NSW are well documented including recent reports in the Sydney Morning Herald that a small group of private certifiers have signed off on 130 buildings with compliance problems. But the problem is not confined to metropolitan areas with a south coast certifier having his accreditation cancelled in June after repeat offences. Enacting legislation to remove private certifiers from the system completely may result in a return to longer approval times for development applications, something that most people would not want to see happen. But there are reforms that could help, some of which are already underway and others such as random appointment which have been proposed but are not currently favoured by the Government.

36 Bayside Council

Fire safety practitioners

That Local Government NSW lobbies the NSW Government to increase the qualifications for competent fire practitioners and include continual development and training requirements.

Note from Council

Under current legislation, building owners are to satisfy themselves that the fire protection practitioners they select are competent. Section 167A of the Environmental Planning & Assessment regulations requires a competent fire safety practitioner may include a class of persons holding a specified category of certificate of accreditation under the *Building Professionals Act 2005* (whether or not they having some other characteristic or qualification), or a class of persons who have undergone particular training or assessment carried out by a specified professional organisation or body or an industry organisation or body. While further reforms are planned such as limiting the Fire

Protection Accreditation Scheme (FPAS) as accrediting competent fire safety practitioners, these do not go far enough. There should be a strengthening of legislation to ensure that not only fire safety practitioners are accredited by a recognised body, but they undertake continual training and development.

Housing

37 Bega Valley Shire Council **Consistent definition of tiny houses**

That Local Government NSW calls on the NSW Government to amend the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* to include a definition of tiny houses in NSW planning legislation, to offer a flexible, legitimate housing model.

Note from Council

Affordable housing is widely recognised as a key national concern, yet the crisis escalates throughout urban and regional Australia.

The Tiny House movement has gained momentum in Australia in the past six years for affordability and environmental reasons. Australia's affordable housing crisis requires multiple different solutions. Tiny houses are just one small element, but they face legislative impediments. Innovative housing formats should be embraced and dealt with consistently.

Tiny houses (on wheels) are currently defined as caravans and therefore subject to planning controls in relation to their suitability for permanent housing.

To permit a tiny home to be sited on a parcel of vacant land, not in association with another dwelling, a separate and distinct classification of caravan should be created that addresses:

- requirements to address building sustainability (as a caravan is not subject to Building Code of Australia or BASIX requirements),
- built form development controls (setbacks, streetscape),
- landscaped area controls,
- amenity standards (privacy),
- car parking,
- vehicle access requirements (driveway crossover and siting under S138 of the *Roads Act 1993*), and
- connection to reticulated water and sewerage services

38 LGNSW Board **Review of state policies on housing**

That Local Government NSW calls on the NSW Government to:

1. Review all housing-related State Environmental Planning Policies (SEPPs) so they allow for locally-based planning to occur in line with the new emphasis on local strategic planning in the *Environmental Planning and Assessment Act 1979*.
2. Urgently progress its comprehensive review of state policies, giving priority to the following housing-related SEPPs (so that local housing solutions aren't undermined):
 - a) *State Environmental Planning Policy (Affordable Rental Housing) 2009*
 - b) *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
 - c) *Draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019*

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

Note from Board

The NSW Government committed to a comprehensive review of SEPPs in 2016, including all housing-related SEPPs. Since that time major reforms to the planning system to strengthen local strategic planning have been introduced.

In line with these changes, councils are developing Local Housing Strategies, Local Strategic Planning Statements and Local Environmental Plans that align with Regional Plans, Greater Sydney District Plans, and provisions in the *Environmental Planning & Assessment Act 1979*.

This will deliver locally-appropriate plans that meet housing needs. State Environmental Planning Policies containing blanket provisions that override local controls undermine the new framework for local strategic planning by disrupting outcomes endorsed through councils' local strategic planning processes.

The 'one-size-fits-all' approach does not make allowance for strategic, place-sensitive objectives and results in unintended planning outcomes that erode public confidence in the planning system.

Liverpool City Council

Controls for boarding houses

That Local Government NSW calls upon the NSW Government for an amendment to the *Standard Instrument (Local Environmental Plans) Order 2006* to allow council to determine whether boarding houses are a permissible land use in certain residential zones.

Note from Council

Council notes that Direction 2 of the Standard Instrument - Principal Local Environment Plan requires boarding houses to be included as permissible use in a Council's LEP in the R1 (General Residential), R2 (Low Density Residential), R3 (Medium Density Residential) and R4 (High Density Residential) zones. Councils request that the Standard Instrument Order and Standard Instrument - Principal Local Environmental Plan are revised to allow Councils to decide in which zones boarding houses are permissible with consent, depending on local need and character.

Penrith City Council

Exemption - boarding house provisions

That Local Government NSW writes to the Minister for Planning and Public Spaces requesting that Division 3 Boarding Houses of the Affordable Rental Housing SEPP 2009 be amended to allow councils to be exempt from this division under the policy.

Note from Council

Councils are best placed to determine the location and appropriateness of boarding houses to support affordability and diversity within its communities. It is proposed that the amendment is made on the basis that Council has an adopted Local Housing Strategy and Local Strategic Planning Statement and demonstrate that housing affordability and diversity is delivered within its LGA.

Hunters Hill Council

Local application of Housing Codes

1. That Local Government NSW writes to and engages with the Minister for Planning and Public Spaces, advocating that:
 - a) Legislation be amended as required to allow Local Environmental Plans (LEPs) to:
 - (i) Exclude the operation Parts 3, and 3B of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ('Codes SEPP') from application in parts of the Local Government Area (LGA) to which the LEP applies; and
 - (ii) Apply controls in addition to the controls of the relevant Code in parts of the LGA in which Parts 3 or 3B of the Codes SEPP are to apply.
 - b) Deferral of the Codes SEPP Part 3B Low Rise Medium Density Housing Code continue at least until there has been a reasonable opportunity for:
 - (i) Councils to review their LEPs and prepare planning proposals to give effect to their Local Strategic Planning Statements; and
 - (ii) Local plan-making authorities to amend councils' LEPs in line with councils' planning proposals.
2. To avoid doubt, with regard to 1(a) above, it is intended that controls in LEPs would not permit complying development where it is excluded by Part 1 Division 2 of the Codes SEPP.

Note from Council

The New Planning System for NSW - White Paper, released in April 2013 predicted that, had the Planning Bill 2013 been enacted as originally drafted, '80% of all developments will be complying or code assessment'. However, the code assessment the White Paper referred to was assessment for compliance with codes that were to be locally developed. Development that has been approved through the complying development track has increased from 23% in 2011-12 to 33% in 2015-2016 and this will increase further as the commencement of new housing codes proceeds.

As complying development often undermines the development standards of LEPs and local Development Control Plans, communities must be genuinely consulted about whether housing codes development is acceptable in their area and, if so, where it would be accepted and what additional controls should apply in areas where housing codes development is accepted.

That Local Government NSW requests the NSW Government to provide extended deferral of the Low Rise Medium Density Housing Code until councils have completed Local Housing Strategies, Local Strategic Planning Statements and Local Environmental Plans at the least to December 2021.

Note from Council

There are 45 councils across NSW that have a deferred commencement of the Low Rise Medium Density Code to 31 October 2019 (one Council to 1 July 2020). The introduction of the Code prior to local strategic planning processes undermines local Council planning processes. The blanket application of the Code would lead to a loss of local precinct character, including high-integrity built heritage. Medium density is not low scale/low impact development and it is questioned whether private certifiers have the skills required to deliver these more complex developments consistent with local character.

Central Coast Council**Short Term Rental Accommodation**

That Local Government NSW calls on the NSW Government to:

- a) Allow all local government areas to prepare their own Planning Proposals to manage short term rental accommodation needs in their areas.
- b) Investigate and consult with councils regarding new powers for councils to manage complaints and other issues relating to the operation of short term rental accommodation.

Note from Board

The benefits and impacts of short-term rental accommodation (STRA) differ across NSW, from central business districts through regional and rural cities and towns, and coastal locations. LGNSW has consistently argued that individual councils are best placed to determine the caps that would best balance economic development via short-term accommodation with rental affordability and public amenity for residents. A win was achieved when the NSW Government announced its regulatory framework for short-term rentals would give rural and regional councils the ability to reduce the threshold for STRA in their communities to 180 days if needed for their community.

Further, the Planning Minister's decision to allow a 90-day annual limit on the short-term rental of empty properties in Byron Shire (down from the maximum 180-day cap the Government has permitted elsewhere in NSW) was also a positive step. It recognises the unique issues faced by the shire. The Minister's promise to allow Byron Shire flexibility to have varying thresholds based on local conditions is a welcome move for our sector as a whole. It validates our calls for greater local control in planning for short-term rental accommodation to balance the economic benefits and local impacts.

Note from Council

Concerns have been raised about the unintended impacts of STRA on local amenity, with Councils fielding more and more complaints, from residents, about their operation. Concerns have also been raised about its impacts on affordable housing in areas with STRA impacting on the availability of long term rental options in communities.

The intent of this motion is to provide Councils with options in terms of how STRA is approved and managed in their local area, including areas where STRA is permitted and to what degree.

This motion would allow Councils to consider areas where STRA is best suited, such as tourist areas and town centres, and include any restrictions in terms of management. Byron Bay is in the process of preparing a Planning Proposal that suits its particular circumstances.

Strathfield Council**Affordable rental housing**

That the NSW Government amends the *Affordable Housing SEPP 2009* to require all owners of affordable rental housing units provided within a residential unit development to submit to their consenting council an annual independent audit report, prepared by a professional planner accredited by the Planning Institute of Australia, certifying ongoing compliance with the conditions of consent, verify the number of affordable units relating to the affordable rental units within the approved complex.

Note from Council

Strathfield Council is concerned about the lack of ongoing compliance with the requirements of the Affordable Rental Housing SEPP 2009 and the disregard of a number of owners to the conditions of consent issued by the Council.

It is the intention of Strathfield Council to move that the Minister amend the Affordable Rental Housing SEPP 2009 to ensure ongoing compliance by owners of such housing stock.

Planning reform

39 Gwydir Shire Council

Acquisition of land owned by an ALC

That the NSW Government amends the *Aboriginal Land Rights Act 1983* to:

1. Permit land vested in an Aboriginal Land Council (ALC) to be appropriated or resumed with the approval of the ALC and where the Chief Executive Officer of the NSW ALC has issued a dealing approval certificate.
2. Lower the voting threshold in section 42G (5) for Local Aboriginal Land Councils to approve a land dealing for public projects proposed by the NSW Government or a local council, from “not less than 80%” to “not less than 50%” of the voting members of the ALC present at the meeting.
3. Consider alternatives to Native Title restrictions on certificates of title on land granted under the *Aboriginal Land Rights Act 1983* where there is evidence that native title over the land has been extinguished.

Note from Council

The acquisition by councils of land owned by an Aboriginal Land Council (ALC), either voluntarily or compulsorily, can be constrained by provisions of the *Aboriginal Land Rights Act 1983* (ALRA Act), adding significantly to timeframes and costs for council infrastructure projects.

Land held by a Local Aboriginal Land Council (LALC) cannot be acquired under the *Land Acquisition (Just Terms Compensation) Act 1991*, with or without the LALC’s agreement, and cannot be dealt with where Native Title has not been determined. Otherwise, land owned by a LALC can be purchased, but only with the approval of 80% of the LALC members present at a meeting and the approval of the Chief Executive of the NSW ALC.

This motion seeks amendments to streamline council acquisition of land held by LALCs, but importantly, only where the LALC approves the acquisition.

40 Blue Mountains City Council

Strengthening heritage provisions

That Local Government NSW:

1. Writes to the Department of Premier and Cabinet (Heritage Division) to advocate for the provision of stronger powers to State Government and local government agencies, to require that locally listed heritage items meet minimum standards of maintenance and repair; and the power to enforce these requirements; and
2. Recommends to the Department of Premier and Cabinet (Heritage Division) that these minimum standards align with those required for State-listed heritage items under the *Heritage Act 1977*.

Note from Council

In the Blue Mountains LGA there are about 1000 local listed heritage items. This built heritage significantly contributes to the character of our towns and villages, and represents an important connection with the history of the Blue Mountains.

A number of these buildings (some of them significant public structures) have fallen into disrepair, leading to further damage often resulting from a lack of basic maintenance, such as weather proofing. Ultimately, without intervention, this could result in demolition of heritage by neglect.

Local government has limited powers to require owners to keep locally listed heritage properties in a reasonable state of repair or require that basic maintenance be undertaken. Under the *Heritage Act 1977*, there are minimum standards of maintenance and repair required for buildings or relics listed on the State Heritage Register. The motion calls for these same standards to apply to locally listed items, and that local and State governments be provided with powers to enforce these requirements.

41 Wingecarribee Shire Council

Review of developer contributions system

That the NSW Government undertakes an urgent holistic review of the developer contributions system in NSW, with the aim of reducing the financial burden placed on councils in providing infrastructure to support population growth and/or the changing needs of communities throughout NSW.

Note from Council

Development contributions continue to be an important funding mechanism for councils to provide new or augmented infrastructure needed to support growing communities throughout NSW. The current contributions system generally works well in large greenfield urban release areas, where the cost of providing infrastructure is often wholly funded through development contributions, without placing an unsustainable burden on councils to support new development.

However, outside of the priority growth areas, councils are generally required to fund a large portion of the infrastructure needed to support our growing communities. This often results in development occurring without essential community infrastructure or, alternatively, an unfair financial burden being placed on councils and existing rate payers to support new development. It is recommended that the NSW Government undertakes a holistic review of the Developer Contributions system, with the aim of reducing the financial burden on councils, and facilitating the provisions of essential community infrastructure throughout NSW.

42 Central Coast Council

Consultant reports

That Local Government NSW calls on the NSW Government to introduce a system that guarantees independence and integrity in consultant reporting in the Development Application process, including the following elements:

- a) Councils establish a list of independent consultants, through an EOI process, available to undertake consultant reports needed for development applications including (but not limited to) Environment Impact Statements, Statement of Environment Effects, Traffic Management Reports, engineer reports, and the like.
- b) Councils establish an independent consultancy fund to procure services from independent consultants.
- c) Applicants contribute a fee, payable to the independent consultancy fund, to cover the cost of procuring an independent consultant.
- d) Councils allocate a consultant, from the approved list of consultants, to undertake work required for a development proposal.
- e) Consultant's report to be provided to councils directly to consider as part of the Development Application process.
- f) Introduce an audit system to ensure independence and transparency in the Independent Consultant process.

Note from Council

The intent of this motion is to call on the NSW Government to introduce a system that guarantees independence and integrity in consultant reporting in the development process, including the following elements:

- Establishing a list of appropriately qualified independent consultants to procure the reports needed for the development process (such as EIS, transport plans, arborist reports and the like)
- Applicants pay into an Independent Consultancy Fund to procure consultancy services.
- Councils allocate work to consultants, from an approved list of consultants, to prepare the reports and provide directly to council.
- An audit process to ensure quality, independence and transparency of the process.

43 Lismore City Council

DA and plan making processes

That Local Government NSW requests that the NSW Government:

1. Undertakes fundamental reform to create one statutory local planning instrument, and to streamline Development Assessment and State Environmental Planning Policies into a single system.
2. Develops a new planning system that has its primary purpose of achieving ecologically sustainable development including climate change, Aboriginal & Torres Strait Islander peoples, knowledge and culture, housing diversity, transport networks and infrastructure provision.
3. Embeds the right for community decision-making in strategic planning and development assessment.

- b) Removing and/or amending provisions under Section 3.19(b) of the Code of Conduct for Regional Planning Panels, which effectively prevent local councillor members of the Regional Planning Panel from voting on development applications on land in their LGAs if those councillors also voted on the rezoning of the same land, among other matters.

Note from Council

It is considered there is a need to review the Planning Panels Code of Conduct to ensure consistency with the revised Model Code of Conduct for Local Councils in NSW (2018). In this regard, it is considered that the revised Model Code of Conduct for Local Councils in NSW effectively manages conflict of interest provisions for elected Councillors and staff in carrying out all of their official capacities. Further, it is considered that Section 3.19(b) of the Planning Panels Code of Conduct should be removed and/or amended. Section 3.19(b) effectively prevents local Councillor members of the RPP from voting on development applications on land within their LGAs if those Councillors also voted on the rezoning of the same land, among other matters.

45 Hunters Hill Council **Right of appeal from decisions of the IPC**

That Local Government NSW advocates for legislative reform of the *Environmental Planning and Assessment Act 1979*, including repeal of section 8.6 (3) (a) of that Act and related regulations to ensure:

- a) that decisions made by the Independent Planning Commission (IPC) are not exempt from judicial appeal following the IPC's holding of a public hearing; and
- b) both merits and judicial appeal rights to courts of appropriate jurisdiction are available to parties affected by decisions of the IPC.

Note from Council

Section 8.6 (3) (a) of the *Environmental Planning and Assessment Act 1979* exempts decisions made by the Independent Planning Commission (IPC) from judicial appeal where the IPC has held a public hearing, in this respect providing the IPC with similar powers to the former Planning Assessment Commission. The IPC is not a judicial body and should not be empowered to perform a quasi-judicial role with no right of appeal. As a non-judicial body, decisions of the IPC should be subject to merits and judicial appeal.

Roads and transport

46 Forbes Shire Council **Regional roads and bridges**

That Local Government NSW lobbies the NSW Government to commit to ensuring that councils affected by the Regional Roads Reclassification Review have their RMCC contracts retained in any proposed transfer where those roads are currently managed by the council.

Note from Council

The NSW Government has advised that it will be resuming control over the regional road network, although very little detail has been provided as to what this means for councils. Whilst this process is likely to include road reclassification, at this point there is no indication of what this will look like.

If the NSW Government combines the regional road network with the State and national road contracts there will be a positive effect. However, there is potential that road maintenance and minor construction contracts will be awarded to a large contractor similar to what has occurred in Sydney, Brisbane and WA. If the NSW Government does take control of the regional road network it must ensure there are no negative impacts for councils and no work is out sourced to the private sector.

Councils call on the NSW Government to commit to maintaining the status quo in relation to the RMCC contracts with local government.

47 Forbes Shire Council **Amendments to Heavy Vehicle National Law**

That the National Heavy Vehicle Regulator amends Heavy Vehicle National Law to:

- a) Change the definition of the loading manager from the person who manages or is responsible for the operation of the premises to the person who is managing the loading activity;
- b) Harmonise the legislation, especially as it relates to different mass limits, across jurisdictions; and
- c) Recognise the unique aspects of transporting livestock with regards to animal welfare and volumetric loading for livestock.

Note from Council

Amendments are required to the Heavy Vehicle National Law (HVNL) to be fair, nationally consistent and improve driver safety and animal welfare. Currently the HVNL definition of Loading Managers is 'the person who manages, or is responsible for the operation of the premise'. This must be changed to reflect who has true responsibility for the function to ensure that the responsibility of compliance is not placed on to parties with no influence to change behaviour of others without implementing additional, often expensive, measures. This is the case for Forbes Shire Council, which is the owner of the Forbes Central West Livestock Exchange but does not undertake or supervise any loading/unloading functions at the facility under any circumstances.

Furthermore, national consistency must be achieved to ensure efficiency, productivity, road safety and practicality. Under current circumstances vehicles travelling interstate between QLD, VIC and NSW are subject to differing load mass limits. The transport operators have the most control over the loading of vehicles and many will make the 'economic and commercial decision' to overload vehicles when travelling interstate rather than reduce economic efficiency with a reduced load. This affects the overall productivity of the transport operations and, under the current law, councils suffer the consequences of these decisions. Harmonisation of legislation is essential for all involved parties.

In addition, legislation must be changed to include volumetric loading in line with The Australian Animal Welfare Standards and Guidelines - Land Transport of Livestock. This introduction would regulate mass limits of livestock vehicles and improve efficiency whilst improving driver safety, safety for all road users and improving animal welfare conditions.

All these amendments to legislation are vital and will benefit all involved parties and ensure the HVNL is effective, fair and efficient.

48 Lismore City Council

Regional roads funding

That Local Government NSW welcomes the NSW Government's election commitment as outlined below and lobbies for the reviews for implementation to be fast tracked, including:

1. The establishment of a \$500 million Fixing Local Rural and Regional Roads program to assist councils in repairing, maintaining and sealing important local roads;
2. The establishment of a \$500 million Fixing Country Bridges program to replace the worst timber bridges in regional and rural communities;
3. A process to transfer up to 15,000 kilometres of council-owned regional roads across NSW back to the State Government; and
4. The establishment of an independent expert panel to oversee the asset transfer process.

Note from Council

In February 2019, the NSW Liberals and Nationals announced an election commitment with the aim to help clear council roads maintenance backlogs, repair timber bridges and reclaim council owned regional roads. It is imperative that action be taken to implement this commitment and for government to be held accountable.

49 Leeton Shire Council

Review of speed limit criteria

That Local Government NSW lobbies the NSW Government to:

- a) Review the NSW Speed Zoning Guidelines to ensure the focus remains on public safety in built-up areas, and
- b) Ensure that the adopted RMS criteria for 50 kilometre per hour zones are uniformly and appropriately applied across NSW without variation in order to preserve their value as a road trauma reduction tool in built-up areas only.

Note from Council

A 50 km/h speed limit applies to all built-up areas across NSW to impress upon motorists that they are in a built up area and the need to be aware of public safety in residential areas. Built-up areas have buildings on the land next to the road, or have street lights along the road with a spacing of 100 metres or less for a total length of at least 500 metres, or if the road is shorter than 500 metres, for the whole length of the road. However, at the time of its implementation, the then Roads and Traffic

Authority advised roads that were mainly used for traffic movements and access to main roads would remain signposted at 60km/h or above - even if there were residential properties on the street.

The implementation of 50km/h speed zones across NSW would, based on anecdotal evidence, appear to be undertaken in an ad hoc fashion with the result being inconsistencies in enforcement and application and this is an ongoing matter that appears to have been ignored by the State government. A review undertaken by Transport for NSW would aid in determining the appropriateness and effectiveness of measures as well as identify anomalies in its application throughout NSW.

50 Bland Shire Council

Regional roads taskforce

That Local Government NSW lobbies the NSW Government so that Local Government NSW has concurrence over the Terms of Reference of the Taskforce being established to identify those roads to be returned to the State Government, along with concurrence of its membership so it consists of experts with local government knowledge and experience.

Note from Council

This taskforce is yet to be established and at best should include expert local government representation, in particular actual practitioners such as a qualified civil engineer with extensive and varied experience in the local government industry and with a sound working knowledge of various road conditions.

The decision to take back local roads will have differing effects on different councils and it is imperative that this process is undertaken effectively.

51 Georges River Council

Delivering on the promise of the 30-minute city

To support the delivery of the 30-minute city, the NSW Government acknowledges that the accessibility levels in the Greater Sydney Area (as reported by the Greater Sydney Commission) do not reflect this aim, and the NSW Government reviews infrastructure priorities and looks to decentralise government jobs to specialised centres and support local job creation outside of the three cities to improve the possibility of Greater Sydney becoming a 30-minute city.

Note from Council

A key objective of the Metropolitan Plan for Sydney (A Metropolis of 3 Cities) was the creation of a 30-minute city where all residents can conveniently access jobs and services and can reach their nearest metropolitan and strategic centre within 30 minutes, seven days a week, by public transport.

The recently released Pulse of Greater Sydney Report, by the Greater Sydney Commission (GSC), which measures the achievement of the Metropolitan Plan, shows that 30-minute access to metropolitan centres is a long way away for many Greater Sydney residents. What might surprise some, having regard to the level of investment in the Western City and the Central City, is that these locations currently have much higher accessibility to metropolitan centres and therefore better access to jobs and services than the other District area. The percentage of dwellings within 30 minutes of a metropolitan centre in the Western City and the Central City is 67% and 68%, respectively. Transport infrastructure needs to be focused outside of Sydney CBD and jobs need to be moved or created in other lower profile employment hubs, such as the identified strategic centres, for a 30-minute city to become a reality.

Water – utilities, stormwater & floodplain infrastructure

52 Hay Shire Council

Electronic water quality and level sensors for river systems

That Local Government NSW lobbies the NSW Government to install a network of electronic water quality and level sensors throughout NSW river systems to provide accurate real time data on river heights, flows and water quality to government agencies to assist with better management of the systems, especially in times of floods, droughts, algal blooms and low dissolved oxygen levels.

Note from Council

NSW waterways, particularly in the western area of the State, have been suffering in recent times due to many factors, which include poor and untimely data limiting efficient management of the system. As widely publicised in early in 2019, there were major fish kills in lower areas of the Murray-Darling system due to poor water quality and low levels of dissolved oxygen.

Blue-green algal blooms have become a common occurrence in these areas during the summer months, impacting on town drinking water supplies and prohibiting recreational use for extended periods. Many towns and rural holdings rely on these waterways as their only source of domestic and drinking water. The practice of manually assessing water quality is a 14-day scheduled occurrence and it can be up to two weeks after testing before results are known. Therefore, timely data is unavailable, resulting in water released to downstream users before water quality results are known.

Extreme fluctuations in river heights have caused severe degradation of riverbanks, including native trees collapsing into waterways. A logistically placed network of sensors for level and quality would help get reliable data to those managing the system.

During times of flooding SES, personnel in some areas are required to manually read river gauges which involves them entering floodwaters, putting lives at risk.

53 Rous County Council

NSW Government's Integrated Mining Policy

That Local Government NSW lobbies the NSW Government to expand the scope of its Integrated Mining Policy to incorporate water mining (including ground water mining) to ensure effective planning, assessment and regulation of activity in NSW, with particular regard for:

- a) regional water security (water quality and quantity)
- b) environmental and social impact
- c) consultation in decision making.

Note from Council

Across Australia, communities continue to be affected by extreme weather conditions. Regions are reporting the most severe and lengthy drought on record and widespread water shortages. Over the next 50 years, changes to climate and rainfall patterns are expected to increase in variability and reduce the reliability of rainfall. At the same time, water use is forecast to increase as the population grows.

Water security is a critical focus area for local government as a sector to ensure communities have adequate quality and quantity of water to meet current and future demand. It is imperative that the NSW Government implements a planning, assessment and regulatory framework that applies to emerging industries, such as water mining, specifically where water is extracted and sent off site to be sold as bottled water. This is necessary to ensure appropriate governance and management mechanisms are in place to mitigate the threat posed to water security by water mining and related water extractive industries.

Other Infrastructure issues

54 Kyogle Council

Essential Energy reduced service

That Local Government NSW calls on the NSW Government to act to mitigate staff reductions at Essential Energy impacting on rural councils.

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

Note from Council

The proposed job cuts are an attack on rural and regional communities. Quality of service delivery to rural areas must be maintained to ensure power supply, particularly to remote areas that rely on dependable energy delivery.

Bourke Shire Council**Bourke electricity supply infrastructure**

That the NSW Government and Essential Energy be asked to ensure that the crucial electricity supply to the Western section of the State is adequately maintained and improved to ensure an ongoing availability of a reliable electricity supply and the ability for infrastructure to be able to feed electricity back into the grid should the establishment of solar farms be considered in these areas.

Note from Council

The supply of electricity is crucial to many of the operations of Council and the broader community and we can ill afford to have extended blackouts. The reliability to date has been good; however, with the reduction of maintenance crews in some depots the ability to respond to outages in a timely fashion may be reduced. The ability of some infrastructure to be able to carry surplus power to be generated by solar farms from some areas is questionable, negating the opportunity for this important and sustainable development in our areas which, due to a number of reasons, have been identified as ideal locations.

Forbes Shire Council**Redistribution of Essential Energy roles to improve services**

That Essential Energy needs to redistribute its remaining workforce in regional areas to cover the customer requests that will be left unserved by the 180 jobs planned to be lost.

Note from Council

Essential Energy is not currently providing adequate services to regional areas and has recently announced that 180 jobs will be cut from its regional network. It will be almost impossible to have vital local work completed in a timely manner due to staff shortages, resulting in poor customer service delivery. Local knowledge will also be lost, resulting in a reduction in the efficiency of the work being done.

The processing of council requests by Essential Energy is slow, causing delays in works by councils and impacting upon communities. Requests by Forbes Shire Council for NIMs have taken up to 9 months and longer in some cases. In addition, requests for banners on street poles have not been actioned for 12 months and the repair of street lights is slow. There have also been delays in the approvals for development applications and subdivisions on the basis of slow responses to approval and requests for work from Essential Energy. These delays have impacted on the productivity of Forbes Shire Council and the works that can be provided to this community, many of which are vital during drought conditions. Forbes Shire Council is not alone in this struggle, LGAs across Essential Energy's network area are impacted.

The redistribution of jobs to approval roles and to ensure local teams have sufficient staff would be of great benefit for local government and communities across the State. The productivity and efficiency of all involved parties would be increased, whilst individuals in regional areas would have job security, adding value to the local economy.

55 LGNSW Board**Crown lands management**

That Local Government NSW calls on the NSW Government to provide increased assistance to councils to enable them to effectively perform their new roles and responsibilities under the *Crown Lands Management Act (2016)*. Specifically, the Government is requested to:

- a) Fully fund the development and implementation of Plans of Management for Crown Lands Reserves within each local government area;
- b) Extend the 30 June 2021 deadline for councils to prepare the Plans of Management for Council Reserves as required under the new *Crown Land Management Act 2016*;
- c) Fully fund the costs of training staff to assess native title matters associated with management of Crown land and any related costs resulting from the need to engage expert advice and guidance;
- d) Expedite the Crown Land Review Program so that ownership of more land agreed to be primarily of local significance is transferred to councils;
- e) Provide additional funding for the implementation of the *Biosecurity Act 2015* for land being transferred to councils and a statement of Biosecurity Risks be provided to councils prior to the handover; and
- f) Stop charging councils commercial rents for crown land used for council purposes (eg: easements) to enable councils to apply the savings to Crown land management.

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

Blue Mountains City Council**Management of Crown Land**

That Local Government NSW seeks that the NSW Government fully fund costs associated with:

1. The transfer of management of Crown lands to local councils, including the costs of developing and implementing Plans of Management for Crown Lands Reserves within each LGA; and
2. Training of staff to assess native title matters associated with management of Crown Land.

Note from Council

The introduction of the *Crown Lands Management Act 2016* transfers responsibility for the management of Crown Land public reserves to Local Government with a nominal grant funding to assist with the procedures and responsibilities associated with this transfer of management responsibilities and liabilities.

This transfer involves a significant volume of work for local councils to be undertaken by 30 June 2021. For local councils managing large areas of Crown Land this is a major impost on the resources of that council. The transfer of liability for any acts carried out on Crown land by local councils that may affect native title also requires both increased resources as well as increased expertise in staff dealing with these matters. Training provided by Crown Lands has been inadequate to upskill officers appointed as Native Title Managers.

Kyogle Council

Crown land, forests, parks fuel load reduction

That Local Government NSW requests the NSW Government to set upper limits on fuel loads in all Crown land forests, including State Forests and National Parks, and mandates hazard reduction programs to achieve these targets.

Note from Council

For millennia the indigenous custodians of Australia used fire extensively as a management tool. Accordingly, the Australian bush evolved to need cool fires for its health and regeneration. This practice was continued from colonisation up until the late 20th century by State Forests and private landholders. Since then, much of the forest estate has been given over to National Parks and fuel levels have accumulated to an alarming level. Coincidentally, regulations have been introduced that inhibit the willingness and ability of adjoining private landholders to conduct fuel reduction burns. These increased risk factors are being exacerbated by extreme weather events resulting from climate change.

The net result is that much of our native forest estate is now at risk of wild fires, which decimate fauna and flora, cost millions of dollars in firefighting appliances and manpower, and are often catastrophic for rural and regional communities.

Wagga Wagga City Council

Commercial rates for Crown land

That Local Government NSW and member councils advocate that the NSW Government stop charging local councils commercial rates for Crown land for council purposes (eg: easements) where there is a significant benefit to the community.

Note from Council

State Government and local government work best when they work together for the betterment of our communities. At times though commercial rates are charged for land that local governments need to purchase for projects that have a significant community benefit. In these cases, the State Government should look at the project instead of the cost of the land and not charge commercial rates so funds can be spent on the community directly.

Federation Council

Crown lands

That the NSW Government accelerates the Crown Land Review Program and allow a more efficient process for transfer of current Crown land to freehold land.

Note from Council

The former Corowa Shire Council was successful in 2014 in a NSW Government project to be a pilot council to enact significant changes to Crown land in the Corowa Shire area. The resulting impacts, if it had been allowed, would have led to significant increased economic development to occur in areas including the Corowa Golf Course/Club. Council is aware that this process has been stalled due to issues with the project at that time, and a failure to properly engage with the Aboriginal Land Councils at that time.

Despite this, there needs to be a far more aggressive re-introduction of this program, as the amount of vacant and other under-utilised Crown land in and around many rural and regional towns is stifling development opportunities.

A further issue involving Crown and/or State controlled and owned land is unused railway corridors.

The State Government needs to urgently address this issue, and fast track the handover of this land, to Council, where Council wishes to, or to the private sector.

Federation Council is also pursuing a major development opportunity, strongly linked to preserving Aboriginal Heritage and Culture, and environmental tourism, at Lake Urana in the centre of the Council area. The Crown land on and around this lake, has also held Council up for many years in pursuing this economic and environmental asset in the central southern Riverina Murray area.

Cowra Council

Crown lands cost burden

That Local Government NSW calls on the NSW Government to provide additional funding to councils to comply with the cost burden, tight timeframe and shortfall in resources imposed on councils to prepare the Plans of Management for Council Reserves as required under the new *Crown Land Management Act 2016*.

Note from Council

The *Crown Land Management Act 2016* (CLM Act) in July 2018 has imposed responsibilities on Council as the nominated Crown land manager for a number of Crown Reserves in Cowra Shire. This includes the shift of liability from State Government to Council for any 'compensable' future acts performed on Crown reserves managed by Council from 1 July

2018. A 'compensable' future act refers to provisions of Native Title legislation regarding work that is done on a Crown Reserve that impacts the native title rights of any native title holders of the land and may incur a claim for compensation.

To manage the potential implications of proposed future acts, Council's Native Title Manager is required to prepare advice prior to the work commencing. Depending on the circumstances of the proposed work, this may require formal notification to any known native title holders or in the absence of any formal determination of a native title holder, then notification to NTSCORP Limited, which is the Native Title Service Provider for Aboriginal traditional owners in NSW.

An additional implication of the new CLM Act is the ability for Council to manage Crown reserves under the *Local Government Act 1993* (LG Act). The LG Act required Council to prepare plans of management for Crown reserves that are classified as 'community' land. Limited funding of \$60,135 has been received to assist Council with the preparation of these plans of management. A condition of the funding is that all required plans of management are completed by June 2021.

For councils with limited funding and staff, additional resources are required well above the funding initially provided. For Cowra Council, it is estimated that the cost to complete this work is at least \$174,000. Given the grant of \$60,135 already received, this leaves a shortfall of \$114,000. If additional resources are not sourced, Council will either fail to comply with the requirements of the CLM Act and LG Act or commitments of Council's Operational Plan will not be met.

Council requests the support of conference to call on the State Government, requesting that additional funds be allocated over the next two financial years to facilitate the completion of plans of management for Crown Reserves managed by councils.

Kyogle Council

Degradation of Crown lands weeds and Bell Mynar

That Local Government NSW calls on the NSW Government to commit adequate resources to arrest and repair the degradation of Crown lands' native forests caused by weed infestations and Bell Mynar associated dieback.

Note from Council

Crown lands' native forests require increased resources to control weed infestations and Bell Mynar dieback.

Uralla Shire Council

Biosecurity Act

That Local Government NSW lobbies the NSW Government for additional funding for the implementation of the *Biosecurity Act 2015* for land being transferred to councils and a statement of biosecurity risks be provided to councils prior to the handover.

Note from Council

The management of Crown land has been without sufficient resources. This has left these areas subject to weeds, vermin and feral species. This has resulted in significant problems for councils particularly, where there is an interface with council and public properties.

Central Coast Council

Plans of management for Crown Land

That Local Government NSW calls on the NSW Government to

- a) Extend the 30 June 2021 deadline for councils to complete of Plans of Management (PoMs) required under the *Crown Land Management Act 2016* (NSW).
- b) Consult with councils on a new deadline for the completion of PoMs.
- c) Provide criteria and templates to councils to enable completion of PoMs.

Note from Council

Councils are required to adopt a new Plan of Management (PoM) of Crown land they manage before 30 June 2021. Councils can now grant more types of leases and licences over the Crown land they own as long as a PoM is in place. The purpose of this motion is to ask the State Government to extend the 30 June 2021 deadline due to the scale of work required to complete PoMs to provide greater clarity and guidance with the process. On the Central Coast, 4000 PoMs need to be developed.

56 Central Coast Council

5G rollout

That Local Government NSW calls on the Federal Government to:

- a) Consult with local government and communities about the rollout of the next generation 5G networks, particularly in the placement of enabling infrastructure.
- b) Note community concerns about the possible health impacts of the new 5G network.
- c) Obtain, and regularly update, advice from independent experts, addressing these health concerns, and the advice be made accessible to public on the appropriate Federal Government website.

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

Note from Council

This motion will call on the Federal Government to consult with local government about the rollout out of 5G, particularly in relation to the placement of enabling infrastructure. The technology's promise of lightning fast speeds relies on the use of very high frequency spectrum known as millimetre wave (mmWave). 5G networks need five times the amount of equipment required for 3G and 4G mobile networks. While traditional networks rely on towers and poles, 5G services will be delivered through a network of small cells. As the cells are quite small, they need to be placed closer to homes and businesses. This means they are being placed on top of power poles and other council-owned infrastructure. Councils and communities are not being consulted on the placement of these cells and should be as part of the planning process. Communities have raised concerns about potential health impacts of the 5G network and it would be helpful if the Federal Government would provide appropriate information to allay these concerns.

Lismore City Council

5G technology

That Local Government NSW requests the NSW Government to:

- a) Conduct a review of the cumulative impacts of microwave frequency technologies of 'small cell installations' on residential communities and identifies who holds responsibility for monitoring cumulative impacts, in light of the findings from this review.
- b) Consider the appropriate planning process for the installation of small cells.

57 City of Parramatta Council

Utility infrastructure

That Local Government NSW:

1. Lobbies the NSW Government and Federal Government to recognise the impact of poor regulation of utility and telecommunications implementation and service augmentation on the streets and footpaths of our cities and towns.
2. Advocates for providing councils a greater voice in the location and management of the impacts of infrastructure elements such as pits, boxes and other elements that disrupt pedestrian flow in the public domain.
3. Strongly advocates for changes to legislation at Federal and State level to enable councils to impose costs on providers who do not pursue common trenching, coordinated augmentation activities and efficient use of footpaths for services.

Note from Council

The fundamentals of essential utility provision in Australia have not advanced significantly since the early 19th century - based largely on multiple cut and cover trenching and poles, all considered separately, as part of different utility networks, managed by different entities, with variable asset lives, technical requirements and investment timeframes.

These investments are largely within public domain, impact on almost every public capital works project and appear to respond to demand increases and asset maintenance in very different ways.

The voluntary Street Opening Coordination Council (previously the Street Opening Conference) has been considering this issue for 100 years. The standardisation and coordination of utility infrastructure in NSW has largely been focused on reinforcing existing allocations and agreeing on current practices.

As the Coordination Council's website states - public frustration with the frequency of road and footpath opening led to the establishment of the Council in 1909. The Daily Telegraph stated at the time: "The trouble lies in the fact the City Council, the Gas Company, the Tramway Department, and the Postal Department do not arrange to do all their work simultaneously. If such a scheme could be carried out there would be a minimum of annoyance to the public."

Unfortunately, despite significant effort over time by the Council, these problems still exist, with most existing practices attempting to manage these coordination issues, rather than seeking sustainable, integrated solutions.

7. INDUSTRIAL RELATIONS AND EMPLOYMENT

Staff training, development & skills shortages

58 LGNSW Board

Skills and education

That LGNSW advocates to the State Government and Federal Government to address the skill shortages and impediments to employment and training by:

- a) Allowing occupational licensing portability by mutually recognising State/Territory based occupational qualifications and licensing for building, construction, and maintenance related services.
- b) Increasing access to vocational and higher education providers and pathways in regional, rural and remote NSW, following a review of current regional education offerings.
- c) Working with TAFE NSW and registered training organisations to develop and deliver accredited training programs in specialist skill areas such as trade waste.
- d) Reducing or removing the HELP liability for new graduates who secure employment in rural and remote local government areas.
- e) Injecting significant funds into TAFE and the higher education system to redress recent funding cuts and the impacts of TAFE deregulation.

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

Tenterfield Shire Council

HELP debt reduction

That Local Government NSW seeks support from the Australian Local Government Association to lobby the Federal Government for a further review of the Higher Education Loan Program (HELP), including, inter alia, the possible reduction or removal of the HELP liability for new graduates who secure employment in rural council areas.

Note from Council

It has been widely documented that many councils in rural areas around Australia are suffering from skill shortages, particularly in the professional and technical fields. The shortages aren't limited to just councils; communities in general often have difficulty attracting professional staff. In March 2019, there were an estimated 47,000 job vacancies in regional Australia.

While the legislative changes focussed on the fiscal sustainability of the student loan programs, the sustainability of rural areas was not widely considered. This critical issue could be addressed with further amendments (such as fee relief options) to the provisions to foster and encourage medium to long term rural placements for new graduates. It would benefit all of society, not only the 18% of bad debtors, if HELP recipients were encouraged, through faster debt reduction, to apply their skills in regional areas.

Hunters Hill Council

Project management

That Local Government NSW assists councils by developing a program to enhance council project practitioners' capability and competency in project management and delivery.

Note from Council

Successful project delivery is key to a council's ability to provide efficient, effective and productive services and infrastructure to communities. 67% of projects do not meet time/cost/scope targets according to The State of Play in Project Management (2018). Established project management methodologies can increase the success of these project's key performance indicators.

With councils managing a wide variety of projects, it makes sense to ensure project managers and those working on the delivery of projects are kept up to date on the latest innovations in project management practices and continue to build project management capabilities. This will enable project managers to communicate with their peers in different councils and different size councils about challenges that are unique to the local government environment.

By encouraging and supporting your project personnel to become actively involved in capability development, your council has the opportunity to improve the skills of project team members, contributing to greater efficiency, performance, quality assurance and project completion rates and builds our reputation in project delivery, which is key to success in securing partnership funding. This means we can deliver even more benefits to our community, which is why we are here.

Councils need strategic commitment to best practice project delivery and provide significant professional development opportunities for its staff. Ongoing change management process can be implemented within councils to build a new culture of professionalism and team cohesion underpinned by supporting processes and systems.

Through interaction with other councils and project management peak bodies, councils are able to adopt an ongoing business process improvement approach through benchmarking against other organisations that are embedding 'best

practice methodologies' in their project management functions, both at an organisational and individual level. This has led to greater efficiency, performance, quality assurance, and project completion rates.

Willoughby City Council

Occupational licencing portability

That Local Government NSW calls on the NSW Government to:

1. Implement a scheme with other Australian states and territories to allow for occupational licensing portability by mutually recognising state/territory based occupational qualifications and licensing for building, construction, and maintenance related services such as electricians, builders, plumbers, fitters, mechanics and any other relevant skills or trades.
2. In the event that such a mutual recognition scheme is not forthcoming in a timely manner, that the NSW Government implements a unilateral recognition of occupational qualifications and licensing from other states and territories for building, construction, and maintenance related services such as electricians, builders, plumbers, fitters, mechanics and any other relevant skills or trades.

Note from Council

This initiative aims to investigate options to reduce bureaucracy, increase supply and lower the prices for building, constructions, and maintenance services in NSW by allowing tradespersons licensed or qualified in other states and territories to be able to legally carry out their services in NSW. Skills and trades do not appreciably change in a technical nature from state to state, as they are regulated at a high level under a national ANZ standard. However, the current state-based licensing model duplicates the necessary qualifications for essentially the same safety standards purely as a function of geography. Where there is consistency in terms of skill sets, the NSW Government should accept the qualifications for certain trades from the other states and territories with the goal of increasing the overall supply of potential tradespeople, to lower the cost for skilled migration between states, to reduce duplicitous bureaucracy, and lead to lower prices for residents and councils alike.

NSW makes up a significant proportion of national economic activity as well as population; demand in NSW for qualified tradespeople often exceeds supply, driving up costs at many levels in the building and construction industry, affecting housing affordability. Whilst it is preferable to enter into a mutual recognition scheme with other states and territories, the economy in NSW and undersupply of qualified tradespeople should justify NSW to start this process to show the way to others if a mutual agreement is not forthcoming.

Federation Council

Trade waste

That the NSW Government engages with local government, relevant State Government regulatory agencies, and educational agencies such as NSW TAFE and other non-government registered training organisations, to develop an accredited qualification for the management of trade-waste.

Note from Council

Trade waste is becoming a bigger and bigger issue for councils in NSW. The controls are expanding whilst resourcing the compliance requirements is near on impossible in rural and regional areas.

There is limited formal training available in NSW for trade waste. Chemical engineering is the most closely suited degree. Local Government should consider a trade waste qualification similar to the water and sewer operator qualifications, for the simple day-to-day trade waste issues, and then, for example, a model where the Joint Organisations have access to specialist trade waste consultants.

There is considered to be no formal training available in NSW or anywhere else in Australia for trade waste. There is a national accredited training package since 2011, which was reviewed and reaccredited in 2018, however currently no registered training organisations are offering this training.

For many years, the trade waste regulator for Regional NSW, now DPIE, was offering the modules for the Cert IV in Water Operations (Trade Waste) under the auspices of TAFE NSW. They ceased offering the training course as they no longer have the resources available. Reasons are that the training modules require an overhaul to comply with current requirements, and the low success rate of people achieving the competencies required to be awarded the qualification. Although in the last year (2017), the Department offered the course and it was well attended, only 2 persons were awarded the qualification. It is also difficult to retain qualified and experienced people.

Narrabri Shire Council

Regional education pathways

1. That Local Government NSW:
 - a) Strongly supports the establishment of regional education pathways.
 - b) Lobbies the NSW Government and TAFE NSW to expedite a review of current regional education offerings; such a review would identify current and future regional skills shortages based on the current State Government's regional investment strategies and State Significant Development.
2. That priority be given to implementation of actions from such a review, for trade associated pathways that align with the State Government's regional investment strategies and State Significant Development.

Note from Council

Current regional education offerings are failing regional NSW. Regional NSW is seeing unprecedented investment with national and State significant infrastructure and development projects (Inland Rail, major state infrastructure and resources projects).

Now is the time for the State Government to act with regards to establishing strong and clear regionally based education pathways – especially in the areas of trade qualifications.

Local councils are encouraged to think on a regional scale; the State Government needs to support this ideal with defined and demonstrated pathways for education that lead to employment for regional youth.

Narrabri Shire strongly supports the State Government's investment in regional NSW; however, for this investment to have long lasting effects and enable regional capacity building the State Government needs to strongly support regional based education pathways. The time to act is now.

Lake Macquarie City Council

Higher education outcomes in regional, rural and remote NSW

That Local Government NSW advocates to the State and Federal governments, as well as higher education providers, the need for improved access to higher education providers in regional, rural and remote Australia.

Note from Council

Councils, particularly in regional and rural NSW, are working hard to build growth in population and economic output. An essential element of this growth is the ability for regional and rural areas to attract young people and families. A key decision for young people and families when considering a move to a regional or rural community is the availability of high quality education, in particular tertiary education.

The Australian Government provides a range of support for regional students making the transition into tertiary education. These allowances and assistance schemes for students to pay for services when a student physically attends a university. This may have the unintended consequence of encouraging young people and families to leave the regions. It also reduces incentives for universities to establish campuses across regional Australia.

The NSW Government has initiated delivery of Country Universities Centres, which will likely be welcomed by regional, rural and remote communities. However, Country Universities Centres are niche, traditionally only servicing smaller regional and rural communities.

The Australian Government, in collaboration with the NSW Government and local governments, could explore opportunities to establish new universities (or campuses) in regional cities. For example, the Hunter region has only one university (the University of Newcastle spread over two campuses in the City of Newcastle) for its 740,700 residents. A Lake Macquarie College has received approval to become Australia's first University College.

Awards & rates of pay

59 Ryde City Council

10 days domestic violence leave policy

That Local Government NSW:

- a) Endorses the United Services Union campaign for 10 days domestic violence leave for local government employees.
- b) Includes a 10 day domestic violence leave provision in relevant Local Government Awards as soon as possible.

Note from Council

Judging by the daily count of domestic violence victims, we know that domestic violence isn't going to go away by itself. It will take all of us from all tiers of government, from all parts of the community, to collaborate and help educate our communities on how to build respectful relationships.

Many of us think we know what domestic violence is and how to deal with it if it touches our family but few really consider the lengths that some perpetrators will go to to control their victims. This is why, commonly, victims need more time than you would expect to make themselves and their dependants safe – and do so discreetly.

Some of the things we don't commonly consider that need to be done when leaving a dangerous domestic situation include things such as surveillance device sweeps of homes and cars, the deactivation of phone trackers and victims need time to secure protections for tenancy or a release from tenancy. Along with medical treatment, housing, legal representation, statements to authorities etc. there are many other issues that need to be dealt with that more often than not need to be organised through different provider agencies.

It is important that victims have the support of their workplace for them to seek help and sometimes it is the only place they can reach out.

All work places should have a workplace safety plan in place should violence from home be brought into a space that endangers other workers and this is just one part of the USU 'We Won't Wait' domestic violence campaign recommendations. Many councils have already endorsed the USU campaign where a great deal of research has gone into what is required to keep all workers safe and what time victims need to set protections in place.

A full 10 days domestic violence leave provision should be included in relevant Local Government Awards.

60 Newcastle City Council

Superannuation for councillors

That Local Government NSW:

1. Notes that as a result of Federal and State taxation and local government legislation, elected councillors in NSW are not paid superannuation;
2. Notes research from the Association of Superannuation Funds of Australia that the average superannuation balance for women in 2016 was 40% less than that for men;
3. Notes that requiring the compulsory payment of superannuation to mayors and councillors in NSW would help bridge the superannuation gender gap and assist in attracting more diversity in local government;
4. Notes that at the 2017 Annual Conference, Local Government NSW adopted the following motion: "That Local Government NSW lobbies the NSW Government and Remuneration Tribunal to make it mandatory that councils make superannuation payments to mayors and councillors and that these payments must be in addition to the stipend paid to elected officials. The superannuation payments would be at the Superannuation Guarantee rate, as determined by the Commonwealth and which varies from time to time. Payments would be made to complying superannuation funds." (2017 LGNSW Annual Conference, Motion No. 80); and
5. Writes to the Federal and State Ministers and Shadow Ministers for Local Government in support of the Local Government NSW motion, requesting amendment to relevant State and Federal legislation requiring councillors to be paid compulsory superannuation, as has been the case since 1991 for all Australians.

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

Note from Council

Despite all Australians being entitled to compulsory superannuation since 1991, superannuation payments are currently not mandatory for mayors or councillors.

Federation Council

Council categories

That the NSW Government determines new categories to reflect councils of a size that is between the current rural, and regional-rural status, to more adequately compensate those councillors in larger geographical councils that may not have a 20,000 population.

Note from Council

The NSW Local Government Remuneration Tribunal decides each year what councillors and the mayors annual minimum and maximum fees will be, and what categories of councils there will be. The Tribunal is required to make a determination by no later than 1 May each year, and report that to the Minister for Local Government.

Council categories are currently:

Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

Non-metropolitan

- Regional City
- Regional Strategic Area
- Regional Rural
- Rural

Leeton, Federation, Hilltops and possibly other councils have made requests to be transferred from Rural to Regional Rural over the past few years, and all have been unsuccessful. The Local Government Remuneration Tribunal in its 2019 report, did not undertake a broad review of the categorisation of councils, and considered only those requests where an individual submission was made. This included Federation Council. The Tribunal found that the current allocation of councils into the current categories is appropriate.

The Tribunal will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020. The system fails to recognise workloads and demands on Councillors on councils below 20,000 population, especially merged councils. The workload and expectations upon Councillors has increased two if not three fold, based on Councillors views, who were on Councils prior to the merger.

It is imperative that in the next review, the tribunal not only looks at councils that request to transfer into other categories, but also that either a category of between Rural and Regional Rural, such as Large Rural, be adopted, for Councils in the 10,000 to 20,000 population.

Federation Council

Councillor remuneration

That the NSW Government engages with councils, and prepares new increased councillor remuneration thresholds for all councils, to more adequately reflect the workload, training and increased representation demanded of councils, especially those in merged councils.

Note from Council

Recommendation 27 from the 2014 Independent Review into Local Government, was –

27) Increase remuneration for councillors and mayors who successfully complete recognised professional development programs.

The NSW Governments full response to all recommendations:

olg.nsw.gov.au/strengthening-local-government/local-governmentreform/independent-review-of-local-government

The Governments response to recommendation 27 was –

Not supported: The Government recognises the dedication of councillors across NSW to their local council and their community and supports councillors receiving a fair level of remuneration, which reflects the nature of the role and the communities' expectations of prudent use of ratepayer funds.

The Government believes an independent process, currently undertaken by the Independent Remuneration Tribunal, provides a fair means of setting councillor remuneration, with the current criteria taking into account, among other things, the size and the significance of the council.

The Minister for Local Government will ask the Tribunal to give further consideration to the criteria to better reflect the objectives of local government reform with a focus on those councils that have made the necessary changes to become 'fit for the future'.

The Government also believes that professional development, particularly for new councillors but importantly for all councillors, is essential for being an effective councillor rather than a justification for increasing councillor remuneration and expects all councils to have in place a professional development program for councillors.

In light of the above, it is now considered timely that councils who have become Fit for the Future, i.e. merged councils or those on approved Fit for the Future plans, should now have the opportunity for greater Councillor remuneration.

8. ENVIRONMENTAL

Natural Resource Management, biodiversity

61 Central Darling Shire Council

Menindee Lakes Ramsar listing

That Local Government NSW supports the listing of the Menindee Lakes, or a portion of the lake system, to be listed as a Ramsar site in recognition of its importance in protecting the natural value of the area through provision of a native fish nursery, supporting migratory bird species, and other essential wetland processes.

Note from Council

Background: Ramsar convention and signing on wetlands took place on 2 February 1971 at the small Iranian town named Ramsar and came into force on 21 December 1975. Since then, the Convention on Wetlands has been known as the Ramsar Convention. The Ramsar Convention's intentions is to halt the worldwide loss of wetlands and to conserve, through wise use and management, of those that remain. In 2010-11 there were attempts to have a proportion of the Menindee Lakes system recognised as a Ramsar site. Regional Development Australia Far West NSW (RDAFW) invested resources and efforts into having a proportion of the lakes listed as a Ramsar site on behalf of Central Darling Shire and the Far West Region. At this point in time, the State Government recognised the significance of the Menindee Lakes, however they were not able to support the project with the position of the Murray Darling Basin plan at the time.

Current Situation: More recently, with the fish kills occurring at Menindee earlier this year and the continuation of the drought, Central Darling Shire believes it is important to have the Menindee Lakes listed as a Ramsar site to protect the native fish nursery and migratory birds that visit the lake system. Support for listing Menindee Lakes as a Ramsar site has been endorsed by the Far South West Joint Organisation, Murray Darling Association Region 4, and recently at the Western Division of Councils. Central Darling Shire and our neighbouring Councils encourages LGNSW member councils to support the endorsement of the Menindee Lakes, or a portion of the lakes system, to be listed as a Ramsar site.

62 Wollondilly Shire Council

Retention of mature or significant vegetation

That Local Government NSW lobbies the NSW Government to seek a significant change in policy and legislation to incentivise the retention of mature and significant vegetation, and prevent full vegetation removal on sites through the Development Approval process.

Note from Council

This motion is submitted to the conference in response to a Council resolution from 19 August 2019 when Council considered a report on the exploration of the opportunities and mechanisms to incentivise the retention of mature or significant vegetation during the development application process.

Vegetation can make an important contribution to both the urban and rural environment. Vegetation, and more specifically, trees, may be of botanical or scientific significance or have environmental, historical, aesthetic or cultural value. Trees may also be important to a community in defining and contributing to the character of a village or township. While the State Government is preparing a new Cumberland Plain plan and has new legislation, this is a macro level approach, and other schemes are being applied to retrofit and replace existing vegetation on sites where retention would have been a better option. Under the current legislation, some sites are completely cleared of endemic vegetation, hundreds of trees at a time.

The State could consider a range of options to prevent total site clearance, and could consider options such as tree valuation and protection policy, tree retention and the contributions space. It is also noted that State planning policies including the exempt and complying SEPP need to be reconsidered.

63 Bellingen Shire Council

Biodiversity conservation

That Local Government NSW recognises the crisis in biodiversity in NSW and the escalating economic, social and environmental impacts this will have especially in rural and regional areas and request the NSW Government review the cumulative impacts of legislation governing land, water and natural resource management, and acts to ensure the protection of biodiversity, threatened iconic species, water security, native forests and food security throughout NSW.

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

Note from Council

This motion seeks to highlight the decline in biodiversity in NSW and the escalating impacts this will have around the State, particularly in rural and regional areas. Specifically, a 2019 report from the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), indicates that nature is declining globally at rates unprecedented in human history – and the rate of species extinctions is accelerating, with grave impacts on people around the world now likely. A study published in 2017 based on the International Union for the Conservation of Nature (IUCN) red list, which uses a series of categories to rank how close a species is to extinction, found that Australia is one of seven countries responsible for more than half of global biodiversity loss. Within this context it is contended that there is an urgent imperative for the NSW government to act given the levels of land clearing, lack of protection for iconic and threatened species, lack of enforcement, which is unprecedented and is having serious consequences. NSW land clearing laws and environmental protection laws are failing to protect biodiversity, iconic species and ecosystems, which are under increasing threat.

That Local Government NSW calls on the NSW Government to:

1. Declare a climate and biodiversity emergency;
2. Take immediate steps to amend the *Environmental Planning and Assessment Act 1979*, and relevant State Environmental Planning Policies to ensure that all new development is required to meet the highest environmental standards, and funding sources are made available to local government to address the impact of climate change, including measures to:
 - a) Reduce carbon emissions from building and construction;
 - b) Strengthen energy and water efficiency standards in all new developments beyond those currently provided under the BASIX system;
 - c) Introduce a range of funding mechanisms that would allow local councils to build resilience in their communities;
 - d) Improve energy and water efficiency and to reduce heat stress risk in public housing and all NSW Government owned buildings and offices; and
 - e) Set tree canopy targets for all metropolitan areas with commensurate funding to be provided by the NSW Government to meet those targets.
3. That Local Government NSW calls on all NSW councils to take whatever steps they can, within the existing planning laws, to implement these changes in their local planning regimes wherever practicable.

Note from Council

In signing the Paris Climate Agreement, the Australian government committed to a global goal of zero net emissions by 2050. Australia's promised reductions to 2030 exceed even the targets set by the United States, Japan, Canada, South Korea and the European Union. NSW annual emissions per capita are around 18.6 tonnes CO₂e, or 25.1% of the Australian total. To put this in perspective, annual emissions in the UK, Germany and Japan are 7.4-11.1 tonnes.

The construction, operation and maintenance of buildings accounts for almost a quarter of greenhouse gas emissions in Australia. As Australia's population grows to an estimated 31 million in 2030, even more buildings will be needed - in Sydney alone, 664,000 new homes will be constructed within the next 20 years. BASIX is one of the lowest home energy standards in the developed world with the EU and California moving to nine or 10-star ratings for new homes this year while we sit on six stars nationally, and most BASIX ratings don't even reach that level. Addressing climate change must be central to our planning laws. This can be done by encouraging and promoting low carbon intensive development and by ensuring that development that is built is adaptable to the likely challenges that will likely come from climate change in the coming decades.

Protection or remediation of local/regional environments

64 Tweed Shire Council

Funding for environmental protection

That Local Government NSW requests the NSW Government to dramatically increase funding for environmental protection to at least 5% of the State Budget in light of current funding levels of \$1,459 million, which equates to only 1.75% of the \$83,300 million 2019/20 operating budget.

Note from Council

According to Australia's State of the Environment Report 2016 - "The outlook for Australian biodiversity is generally poor, given the current overall poor status, deteriorating trends and increasing pressures. Our current investments in biodiversity management are not keeping pace with the scale and magnitude of current pressures. Resources for managing biodiversity and for limiting the impact of key pressures mostly appear inadequate to arrest the declining status of many species. Biodiversity and broader conservation management will require major reinvestments across long timeframes to reverse deteriorating trends."

65 Liverpool City Council

Clean air

That Local Government NSW lobbies the State Government requesting changes to legislation that:

- a) Will ensure all manufacturing facilities at high risk of causing dust pollution must install air monitoring equipment and procedure to capture data on an hourly basis that is to be available to the Environmental Planning Authority and councils upon request with statutory limits that are enforceable through stringent fines or possible closure of operation;
- b) Remove cars that do not comply with current emission regulations, with the exception of vintage registered vehicles, in order to take high polluting vehicles off the road; and
- c) Introduce tax initiatives to encourage the up-take of electric powered vehicles in order to phase out the reliance on fossil fuels.

Note from Council

In February 2019, 'Doctors for the Environment' released a report entitled 'Clean Air for NSW: 2018 Update'. The report found that fine and coarse particle air pollution was getting worse across the State. Fine particle air pollution is linked to heart disease, stroke, diabetes, low birth weight for babies, and restricted lung growth in children.

Liverpool City Council has written to the relevant State and Federal Minister expressing Council's concerns about the report's findings and sought responses to the report's recommendations, namely:

- Modernising coal power stations to require the capture of sulphur dioxide and nitrogen dioxide;
- Better pollution checks to remove high air pollution emitting vehicles from our roads;
- Higher fees for the existing Load Based Licensing system for industry, so they better reflect the health costs imposed on the community; and
- Restrictions on the installation and use of wood-fired heaters in urban areas.

66 Armidale Regional Council

Breaches of national standards

That when official monitoring shows serious breaches of National Standards (e.g. the 31 exceedances of National Air Quality standards in Armidale), Local Government NSW lobbies the NSW Government to provide the necessary resources and assistance to councils to enable them to meet national standards as soon as practicable.

Weeds management, biosecurity

67 Newcastle City Council

Glyphosate and weed management

That Local Government NSW:

1. Notes renewed health and safety concerns about the use of glyphosate for weed management;
2. Notes that many local government areas (LGAs) currently use glyphosate-based herbicides for weed control, including in park and road maintenance;
3. Notes that a number of NSW councils, including Fairfield, Georges River, Willoughby, Ku-ring-gai, Sutherland and Waverley, have either banned or are considering banning the use of glyphosate products in their LGAs;
4. Notes that while the Australian regulator (the Australian Pesticides and Veterinary Medicines Authority) has indicated that products remain safe to use, provided safety directions are followed, the Andrews Government has commenced a review into its use in Victoria;
5. Endorses a phase out of the use of products containing glyphosate within local government operations, using alternate methods to control weeds wherever possible.

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

Note from Council

There is considerable health and safety concern in the community, and from local government staff in particular, about the ongoing use of glyphosate for weed control, following recent studies linking the chemical's use to increased risk of cancer.

Central Coast Council

Use of glyphosate

That Local Government NSW:

- a) Notes concerns about the use of glyphosate following recent court cases in the United States.
- b) Investigates alternatives for effective weed removal and management by NSW councils.
- c) Provides recommendations regarding best practice for weed removal including, if required, the use of chemicals and consideration of potential environmental impacts near waterways.

Note from Council

The intent of this motion is to note recent media about the use of glyphosate by councils following recent court cases in the United States, investigate alternatives for effective weed management, and develop guidance and protocols regarding options in NSW.

Glyphosate is the world's best-selling chemical herbicide. Glyphosate-containing herbicides, such as Monsanto's Roundup, are the most widely used in farming, forestry, parks, public spaces and gardens. In recent years a number of scientific studies have raised concerns about glyphosate's safety and there have been calls for glyphosate-containing herbicides to be banned.

Herbicides are designed to control and eradicate weeds, however, can have a negative impact in aquatic ecosystems. Native plants, invertebrates, frogs and fish may be harmed by herbicides. Herbicides can enter waterbodies either directly through spray or spray drift, or they can move into waterbodies via surface water run-off or leaching and sub-surface draining and may affect human health. A staged, planned approach to weed control, alongside a program to re-establish native riparian species, is necessary to ensure the safe restoration of riparian areas. Restoring native vegetation helps to reduce the presence of weed species, ensures the stability of banks, shades the waterway (which helps prevent future weed invasion), and provides habitat for local fauna.

Georges River Council

Weed management practices at NSW councils

That the Local Government NSW Policy Platform be amended by inserting a new section 14.6 in the Health and Safety Policy Statement as follows: 14.6 For the NSW Government, in consultation with councils, to undertake a formal study of the long term health impacts on weed management chemicals used in NSW and develop appropriate elimination and mitigation strategies.

Note from Council

That arising from recent public concern regarding the health implications linked to the use of the active ingredient glyphosate in 'Roundup', Council submit the motion to the LGNSW Annual Conference.

Risk management – asbestos, hazard, pollutant reduction

68 Nambucca Shire Council

Asbestos disposal

That in an endeavour to encourage the safe removal and disposal of asbestos, the State Government removes the waste levy on asbestos and requests IPART to review the landfill charges for asbestos across NSW.

Note from Council

The illegal dumping of asbestos is a significant problem in many LGAs. The correct handling for disposal of asbestos is an expensive exercise and results in expensive tipping fees. The high fees encourage the illegal dumping of asbestos and the subsequent risk to public health and the environment.

The NSW Government charges a waste levy on every tonne of material sent to landfill. Unlike many other products where the levy is an incentive to increase recycling, asbestos cannot be recycled. This fee is added to the disposal costs for the public and results in higher costs for the disposal of asbestos. The current waste levy paid by Nambucca Shire Council is \$82.70 per tonne and is even higher in metropolitan areas at \$143.60 per tonne. Nambucca Shire Council's current charge for the disposal of asbestos at our landfill is \$520.00 per tonne.

The costs across the State of safe disposal of asbestos at registered landfills are most likely contributing to a trend in the residential sector where asbestos cement is clad with new, non-asbestos products in preference to safe removal and disposal. This growing trend has prompted SafeWork NSW to release a position paper that encourages all local communities to ensure asbestos is safely removed by a licensed removalist before new cladding is installed.

Given the health and safety risks asbestos presents to all residents of NSW, it is recommended that IPART be requested to review the costs of safe disposal of asbestos across NSW and report its findings and make recommendations to the NSW Government.

69 Warrumbungle Shire Council

Changes to asbestos management in NSW

That Local Government NSW lobbies the NSW Government to provide portable asbestos disposal facilities (in the form of skip bins or similar) at key council locations in each LGA for use by local residents, to accept plastic wrapped asbestos products that can be relocated to an approved landfill when full, with the costs being borne by the State Government, not councils.

Note from Council

Management of asbestos is expensive due to prescribed treatments and requirements stipulated by the NSW Government; with costs generally being borne by council and the local community. The provision of portable asbestos receipt reciprocals could provide more places for the general public to dispose of asbestos; in particular at council owned and operated waste transfer stations. At present, NSW Government does not allow asbestos to be accepted at unapproved facilities, thereby

limiting the physical disposal sites available to the general public. This leads to greater cost for disposal of asbestos by the local community when adding a 100km journey (as is the case in our LGA) to the closest landfill that accepts asbestos.

Further to this, fire damaged houses containing friable asbestos are an issue faced by our Council. The clean-up process is drawn out, with insurance companies and owners stepping around their responsibilities to undertake the clean-up in a timely manner, if at all. With the health risks associated with friable asbestos, Council has the order process available under different legislation to exercise its powers for clean-up. Even though an emergency order can be enacted in some instances, it is still difficult for clean-up to be undertaken in a timely manner due to various implications and investigations by insurers and emergency services. Further to this, in many cases the order process fails to achieve a clean-up by the owners, with Council finally undertaking the clean-up to preserve the health and amenity of the local neighbourhood. The recovery of costs is a further battle that Council then faces for many years afterwards. The process needs to be streamlined.

70 Bourke Shire Council Fire and storm/flood damaged buildings containing asbestos

That the NSW Government be asked to establish a fund similar to that established for the “Mr Fluffy” clean up, whereby abandoned and/damaged homes containing asbestos can be demolished and cleared away at no expense to the councils if they are uninsured or the owners have abandoned the premises.

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

Note from Council

While insured homes can possibly be covered by their insurance payout the fact is many homes are not insured or their owners elect to walk away with the insurance proceeds, leaving a potentially hazardous problem. This problem is compounded by the fact the cost of disposal of the material is quite expensive and often well in excess of the land value.

If councils elect to undertake the clean-up they can potentially incur a great expense, which is unlikely to be recovered. As we see the demise of many rural communities this problem will become a significant issue.

Warrumbungle Shire Council Clean up fire damaged houses containing friable asbestos

That Local Government NSW lobbies the NSW Government to provide councils with greater powers under the Local Government Act to act in a quicker manner to clean up fire damaged houses containing friable asbestos, particularly when the material is still damp (from water) or immediately after spraying with PVA to limit risk of airborne fibres escaping from the site, with all clean-up costs borne by the NSW Government.

Climate change mitigation and adaption

71 Blue Mountains City Council Attaining Carbon Neutral Certification

That councils at the Local Government NSW Annual Conference investigate how councils in NSW can advance the aim of achieving carbon neutrality in as much of the sector as possible.

Note from Council

The key premise of carbon neutrality is “First reduce what you can, then offset the remainder”. Being carbon neutral is a process that requires ongoing engagement and action to reduce our carbon emissions. Carbon offsets are generated by funding projects, which generate an equivalent reduction in greenhouse gas emissions somewhere else, such as tree planting.

Investigating the feasibility of gaining certification as a carbon neutral organisation under the National Carbon Offset Standard (NCOS) is essential. Local councils beginning the process of achieving NCOS certification is one tangible action that would contribute to limiting global warming to 1.5°C and avoiding the most severe impacts of climate change.

That Local Government NSW calls upon the NSW Government to develop an equivalent government framework to enable mandatory reporting of its climate risk exposure in line with the industry-led Task Force on Climate-related Financial Disclosures (TCFD).

Note from Council

The Australian Business Roundtable for Disaster Resilience has highlighted private sector concern by clarifying the high economic and social costs of shock events that affect Australia and Sydney. Their studies have shown that in 2015, the cost of natural disasters to Australia was around \$9B. It is estimated this will rise to \$33B per year by 2050, with the actual figure likely to be much higher as this does not factor in the impacts of extreme heat, or climate change.

In Sydney, 24 hours of disruption to transport networks due to weather events could reduce GDP by \$30M, much of which could not be recovered through insurance. Other social and community impacts of disasters in Sydney are not well understood.

On July 24, 2018, Resilient Sydney was launched with 33 councils committing to collaborating to achieve urban resilience – “the capacity of individuals, communities, institutions, businesses and systems within a city to survive, adapt and thrive no matter what kinds of chronic stresses and acute shocks the experience”.

Although Resilient Sydney pertains specifically to urban local governments, it is clear that increased heat, drought, fire, flood and unpredictable temperature variability also poses significant risk to local governments in NSW and their ability to deliver on their responsibilities to their communities.

For local governments in NSW to enable resilience among their communities, a framework is required to identify the financial, social, cultural, environmental and infrastructure vulnerabilities, interdependencies between local government, State government and the businesses to whom we have an obligation to support.

It is critical to the viability of our communities that local government operational budgets be maintained. Reactionary cost-shifting such as Emergency Services Levies are disruptive and limit our capacity to deliver services in-line with community expectations.

To ensure long-term financial stability, this motion calls on the State Government to work with Federal and local governments to adopt a framework that analyses, models and discloses climate-related risk so these costs and opportunities can be used as a decision-making tool to serve the public good.

The Financial Stability Boards Task Force on Climate-related Financial Disclosures argues that policy makers have an interest in ensuring that the financial systems are resilient to all forms of risk. The Task Force published its recommendations in June 2017.

While these recommendations pertain to ASX-listed companies, it is argued that it is in the public interest, and the interest of local and State governments, to also adopt a consistent framework to measure and make decisions based on exposure to climate-related risk. This will help to not only manage and price climate risks appropriately, but also inform lending, investment or insurance underwriting decisions based on transition and adaptation scenarios.

The TCFD developed four recommendations on climate-related financial disclosure that are applicable to organisations. The recommendations are structured around four thematic areas:

1. Governance: The organisation’s governance around climate-related risks and opportunities.
2. Strategy: The actual and potential impacts of climate related risks and opportunities on the organisation’s business, strategy and financial planning.
3. Risk Management: The processes used by the organisation to identify, assess and manage climate-related risks.

4. Metric and Targets: The metrics and targets used to assess and manage relevant climate related risks and opportunities.

73 Rous County Council

Voluntary house raising

That Local Government NSW lobbies the NSW Government to review the Voluntary House Raising Scheme total funding pool available for NSW per annum with attention to:

1. Reinstating a local allocation approach based on priority versus a single state-wide funding pool, and
2. Removing the financial barriers impeding landholder access to funding, noting the substantial expense that a landholder must incur to satisfy the mandatory eligibility requirements for funding, specifically, obtaining detailed project cost quotes.

Note from Council

Under the NSW Floodplain Management Program the NSW Government provides Voluntary House Raising (VHR) funding, coordinated by councils, to assist home owners raise the floor level of their house to reduce damage caused by flood water inundation.

Previously, funding for VHR was allocated based on submissions by relevant local authorities, specific to their local area. This method enabled the local authority to progress grant applications with local landholders with a degree of certainty as to the level of funding available. The centralised state-wide pool system is not transparent in how much is available in total and how much has been committed, to which areas and on what basis priority is assessed.

Furthermore, approval for VHR is subject to the provision of detailed costings for each individual house raising project. This requires a substantial investment of funds from the landholder in obtaining adequate town planning and engineering design, contractor estimates and development consent. This is all required before the VHR grant is formally approved and is lost to the landholder if they do not have the financial capacity to proceed without the grant. The process is unfair, unnecessarily burdensome and impedes participation by a vulnerable section of the community most in need of access to the VHR Scheme.

74 Mosman Municipal Council

Encourage uptake of electric vehicles

That Local Government NSW lobbies the Federal Government and NSW Government to encourage the uptake of electric vehicles through appropriate investment, concessions and with legislative support of charging and parking infrastructure in new residential and commercial developments.

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

Note from Council

State and Federal Government to continue more policy work, investment, concessions and legislative support of charging and parking infrastructure in order to encourage the mass market uptake of electric vehicles. Australia is falling behind most of the rest of the developed world with the uptake of electric vehicles. Increasing the uptake of electric vehicles will help to lower emissions and help with cleaner air over time.

The motion relates to Part of Point 8 of NSROC 10-Point Plan: leadership in electric vehicles, on-demand public transport.

Shoalhaven City Council

Electric vehicle charging stations

That the NSW Government leads the strategic rollout of electric vehicle charging stations across the State.

Note from Council

With a greater range and more affordable EV models now becoming available, the availability of EV charging infrastructure remains one of the main deterrents for the uptake of EVs in Australia. 'Range anxiety' limits EV owners travel into regional areas for fear of running out of battery power before finding suitable charging stations.

As an election promise in early 2019, the Berejiklian Government pledged \$3M in the form of a co-investment to fund EV fast chargers on major regional corridors including the Newell, Great Western, New England, Pacific and Princes Highways

and the Hume Motorway. Another \$2M will fund charging points in commuter car parks such as at train stations. The funding forms part of the NSW Government's Electric and Hybrid Vehicle Plan.

NRMA is progressing its own plans with the installation of 40 DC Fast EV Chargers across NSW. These are DC fast chargers (50kW) so only take up to 1 hour to recharge an EV, as opposed to AC chargers that may take >5 hours to recharge. Tesla has also installed a small number of EV superchargers in regional areas which are exclusively for Tesla vehicles.

Financial assistance and strategic direction from the NSW Government is required to 'drive' the uptake of EVs in NSW by establishing an extensive EV charging network.

75 Ryde City Council

Climate emergency

That Local Government NSW, in recognition of the urgent need for climate action, calls upon the NSW Government to:

- a) Join over 900 governments worldwide, including the United Kingdom, the Australian Capital Territory and over 30 Australian councils, in declaring a Climate Emergency;
- b) In a bipartisan manner, make clear, effective and unambiguous steps to avert a climate crisis in NSW.

North Sydney Council

Climate emergency

That Local Government NSW considers the following resolution of Council:

That Council:

- a) Prepare a report on initiatives that Council is currently undertaking, or could be improved, which have the effect of reducing carbon emissions. The report should particularly address:
 - Adoption of a guiding principle in all Council operations to reduce carbon emissions towards the reduction targets contained in the Paris Agreement.
 - Introduction or strengthening of existing policies that make a positive contribution to reducing carbon emissions.
 - A specific budget provision for climate change initiatives linked to the Delivery Program.
 - Facilitating the roll out of car charging battery stations in the local government area (LGA).
- b) Join nearly 600 jurisdictions worldwide, including 22 Australian councils, and recognise that we are in a state of climate emergency that requires immediate action by all levels of government;
- c) Acknowledge that climate change poses a threat to the future of our cities, including the North Sydney LGA;
- d) Note the latest report of the Intergovernmental Panel on Climate Change (IPCC) 'Global Warming of 1.5 degrees Celsius';
- e) Note the Federal Government's latest emissions data showing we are increasing, not reducing, our carbon emissions;
- f) Join with and support the City of Sydney's resolution of 24 June 2019 calling upon the State and Federal Governments to declare a climate emergency and to respond to this emergency by taking urgent action to meet the emissions reduction targets contained in the Paris Agreement;
- g) Encourage neighbouring LGAs to join us by declaring a climate emergency and advocate to State and Federal Governments in their own right;
- h) Write to the Prime Minister, Premier of NSW and relevant State and Federal Ministers providing a copy of this resolution and calling upon them to act urgently to address climate change and its impacts; and
- i) Submit this motion to LGNSW for debate at the next LGNSW conference.

Note from Council

In October last year, the IPCC released a report warning that global emissions need to be cut in half by 2030, and at net zero by 2050 to limit warming to 1.5°C. 2018 was the 42nd consecutive year with global temperatures above the 20th century average, with 224 locations around the world setting all time heat records. In January 2019, 91 of the 100 hottest places on earth were in Australia. We are witnessing increasingly more frequent and extreme weather events. Our community has consistently communicated its concerns over climate change and called upon Council to provide leadership in prioritising environmental outcomes. North Sydney Council has an enviable record in promoting and adopting policies and programs to reduce emissions, improve energy efficiency, significantly improve recycling rates, lead the State on diversion of waste contribution to landfill, reduce consumption of water and improve water quality over many decades.

Human-induced climate change represents a substantial threat to civilisation and the environment, the worst of which can be avoided if we act collectively and take emergency action.

Like most local government authorities, North Sydney Council has shown innovation and leadership in the face of climate change. The same cannot be said for successive State and Federal governments of all political persuasions. We know that there is an economic cost to inaction on climate change - the University of Melbourne estimates the potential damage from climate change to Australia - excluding the costs from floods, fires, pollution and biodiversity loss - will equate to \$585B by 2030, and \$760B by 2050. Our community expects our Council to continue to participate and lead the way on this issue. Indeed, it is our duty to continue to strongly represent our community on this issue and to join with the many, many councils around Australia and the world, including our neighbours at the City of Sydney, to do all that we can to act urgently on this issue.

Blue Mountains City Council**Climate change emergency**

1. To recognise that we are facing a climate emergency with clear scientific evidence that climate change is happening and that it is caused by increasing greenhouse gas emissions from human activities.
2. To acknowledge that communities across NSW are facing the impacts of climate change through events including record-breaking heat waves, extreme drought conditions, loss of water in our river systems and increased risk and intensity of bushfires.
3. To acknowledge that to provide maximum protection for all people, economies, species, eco systems and civilisations it is necessary to limit global warming to 1.5 degrees.
4. To partner with both local and Federal governments to implement actions, frameworks and funding that support local councils to respond appropriately and rapidly to the science and policy implications in the IPCC's 2018 Special Report.
5. To play a leadership role in the transformation of the economy to zero emissions and contribute to the reduction in greenhouse gas emissions globally by 45% from 2010 levels by 2030.
6. To encourage national, regional and local governments across the world to take these same actions.
7. That all stakeholders, including local government, need to rapidly take stock of their responsibilities in delivering this collective goal, taking immediate actions to get emission reductions on schedule, including medium term action to ensure local success and ongoing inter-governmental action at all scales to ensure overall success.

Lismore City Council**Climate emergency**

That Local Government NSW:

1. Publicly declares that the world is in a state of climate emergency that requires urgent action by all levels of government; that human-induced climate change represents one of the greatest threats to humanity, civilisation, other species, and the life-supporting capacity of air, water, soil, and ecosystems; and that it is possible to prevent the most harmful outcomes, if societies take sustained emergency action, including local councils, and
 - a) Notes the latest report of the Intergovernmental Panel on Climate Change (IPCC);
 - b) Notes the Federal Government's latest emissions data showing we are increasing, not reducing our carbon emissions.

Note from Council

The Intergovernmental Panel on Climate Change (IPCC) accepted an invitation to provide a Special Report in 2018 on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways' contained in the Decision of the 21st Conference of Parties of the United Nations Framework Convention on Climate Change to adopt the Paris Agreement.

Bellingen Shire Council**Climate emergency**

That Local Government NSW:

1. Declares that "we are in a state of climate emergency that requires urgent action by all levels of government and that Local Government NSW:
 - a) Notes the latest report of the Intergovernmental Panel on Climate Change (IPCC) "Global Warming of 1.5 degrees Celsius";
 - b) Notes the Federal Government's latest emissions data showing we are increasing, not reducing our carbon emissions;
 - c) Acknowledges that local government areas across the state are, and are likely to be further affected by climate impacts, particularly sea level rise, bushfires, severe storms, drought and floods,
 - d) Recognises we are in a state of emergency that requires urgent action by all levels of government, that human induced climate change represents one of the greatest threats to humanity, civilisation, and other species, and that it is still possible to prevent the most catastrophic outcomes if, and only if, societies take emergency action now.
 - e) Reviews its strategic priorities and corporate planning documents to identify how it can also respond to and address the climate emergency, and develop an outline of options available to operationalise this emergency declaration.
2. Calls upon the State and Federal governments to:
 - a) Declare a climate emergency, and
 - b) To back this up with legislated programs to drive emergency action to reduce greenhouse gas emissions and meet the lower of the Paris Agreements at 1.5°C.
 - c) To support local government authorities (including financial support) to drive emergency action to reduce greenhouse gas emissions and meet the lower of the Paris Agreements at 1.5°C.

Note from Council

The term climate emergency recognises that the Earth has reached key climate tipping points and that incremental action, i.e. gradual reduction of emissions over several decades, is no longer a reasonable course of action if we want a future for ourselves and our children.

For a viable future the world needs to go to net negative emissions as soon as possible. This will require:

- zero emissions across all sectors as soon as possible
- drawing down excess greenhouse gases on an 'industrial' scale using various strategies
- whatever else it takes to create cooling fast.

With both State and national governments failing to stop or reverse global warming, we need to make progress where it can be made – at the third level of government. To date 380 countries have passed a motion around climate emergency internationally.

The goal is that higher levels of government use regulatory and economic instruments to help reverse global warming so the most important action of councils is to build pressure on higher levels of government for emergency action through making a climate emergency declaration, direct advocacy and building community pressure through education about the emergency and its solutions.

Parkes Shire Council

Action on climate change

That Local Government NSW seeks acknowledgement from the NSW Government and Federal Government that they have a significant obligation to recognise the scientific consensus that the climate system continues to be affected by known activity and that a Minister be appointed, and funds be allocated, to assist councils in their strategic response to the potential impacts of a changing environment.

Note from Council

Local Government has an important 'climate change' role to play given its responsibility for a wide range of issues, such as planning and development, promotion of renewable energy, land use, transport planning, asset and infrastructure management, vegetation clearance, storm water management and solid waste management, among others. Climate change affects all Australians, in our cities and our regions, across all ages and political persuasions.

Sustainability

76 Bega Valley Shire Council

Renewable energy targets

That Local Government NSW adopts a renewable energy target of 100% by 2030 and calls on the NSW Government to revise the NSW Renewable Energy Plan to also adopt that target.

Note from Council

LGNSW Policy Platform 10.7 states LGNSW advocates for a renewable energy target of 40% by 2025 to support investment and market confidence in renewable energy projects. This target was settled in August 2017. Since this date, the Alliance of World Scientists (numbering 21,000 from 184 countries) has issued Warnings to Humanity and in 2018 the Intergovernmental Panel on Climate Change (IPCC) report have all stressed the need to quickly and substantially reduce greenhouse gas emissions.

An increasing number of countries, cities and councils have recognised a climate emergency and committed to ambitious renewable energy targets. It is time to update the current LGNSW policy to reflect scientific advice and community sentiment. According to leading academic research (Diesendorf et al 2019), a target of 100% renewable electricity by 2030 is technically achievable and financially affordable, given the falling cost of renewables.

The NSW Government's current Renewable Energy Action Plan has a target of 20% renewables by 2020. It is timely that this target be revised upwards to provide clear direction to energy markets in NSW over the medium term.

77 City of Sydney

Government accommodation procurement and environmental ratings

That Local Government NSW:

1. Calls upon the Federal and NSW governments to establish a policy that government officers preference hotels holding a third party environmental performance rating or certification for metropolitan based accommodation requirements; and
2. Asks councils to introduce policies to preference hotels holding a third party environmental performance rating or certification for metropolitan based accommodation requirements.

Note from Council

When countries around the world signed the Paris Agreement in 2016, they were committing to limit global temperature increases to less than 2°C. The accommodation sector is a key sector where energy efficiency and emissions reduction opportunities exist. International Tourism Partnership research reports that the sector globally must reduce its absolute carbon emissions by 60% by 2030 to play its role in meeting Paris commitments.

Third party certified environmental ratings, such as NABERS Energy, Green Star Performance and EarthCheck Certified, help building owners and managers understand how efficiently their building is running, and from there, opportunities for improvement.

Sustainability ratings are also an important communication tool for visitors and corporate guests to easily compare environmental performance. Getting a rating is neither expensive nor onerous, however, hotel providers tell us that they will get a rating when their customers demand it.

As some of the largest accommodation procurers across the nation, Federal and NSW government leadership is critical. If these government entities were to require that any metropolitan-based hotels where their staff stay hold a rating, this would transform energy efficiency in the accommodation sector. In the longer term, minimum standards could be set.

78 Federation Council

Solar farm regulation

That the State Government liaise with the Federal Government and local councils, to have a more strategic approach to the approval of large scale solar farms, and their impact on farm land to be more adequately considered, especially irrigated land, and for improvements to legislation to automatically allow councils to receive development contributions for State approved developments.

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

Note from Council

Council, along with various other councils in the Riverina and Murray Joint Organisation, recently attended a briefing in Wagga Wagga by Department of Planning Industry and Environment staff, on large scale solar farms.

The meeting highlighted to the councils, the urgent need for a State and national framework to be developed to more suitably guide and control the establishment of such farms.

The State Government advises developers of the most suitable areas to develop these proposals. The obvious issue is that some of the land is also irrigated farmland and this creates conflict between landholders and adds further stress to communities already under great threat from the zero water allocations over the past two years.

Whilst it is acknowledged that renewable energy including large scale solar farms, must be part of the solution going forward as coal stations are not renewed, the ad-hoc way of approving sites, without ever knowing if they will be developed is not good practice.

A strategic approach to accelerating major transmission lines, and consideration to establishing new lines if needed across areas where there is less intense/irrigated agriculture, should all be considered more robustly.

Further, the current legislation does not allow councils to easily gain developer contributions from these proposals, to offset the impacts of the development, such as construction impacts. Whilst it is accepted that farmers should have the right to take advantage of the market and have some of their land used in this way if it suits them, councils should be provided with a guaranteed access to contributions to allow the community to also benefit, or even be compensated to some extent, from the loss of economic activity in the longer term.

Uralla Shire Council

Renewable energy development

That Local Government NSW discusses with the Minister for Planning the requirements for;

- a) The provision of regional plans that effectively integrate agricultural production and rural lifestyle with renewable power generation;
- b) The inclusion of a Statement of Economic Effects on the community in the approval process, and
- c) That provision be included in the DA consent for rehabilitation of the sites.

Note from Council

The increasing installation of renewable power sites is now affecting rural/regional communities. There are many opportunities for the development of regional and local development of solar power stations along the main electricity supply corridors.

Local communities are starting to express concern regarding the potential loss of valuable agricultural land and the importance to return the land to agricultural production after the end of the economic life of the station.

That Local Government NSW lobbies the NSW Government to:

- a) Provide greater protection to irrigation lands and other high yielding agricultural lands where local communities consider solar farms incongruous with their long-term economic wellbeing by respecting Local Environmental Plans and ensuring early engagement with affected communities and local councils.
- b) Ensure that large scale solar farms are subject to Development Contributions where they are approved and that these contributions be included as a condition of consent.
- c) Ensure that adequate provisions are made in consent conditions for the decommissioning of large scale solar farms.

Note from Council

Development Applications for the construction of large scale solar farms in regional areas have risen in recent years. While the move to renewable energy sources is viewed as a positive for long-term environmental outcomes, it should not come at the cost of productive farmland, particularly those tracts of land located within nation building irrigation areas that form the food bowls of Australia. It is recommended that the NSW Government revises the Infrastructure SEPP to have regard to the contribution of established irrigation areas - that offer the most efficient use of scarce water and would be unaffordable to replicate - to Australia's food security and to generating export earnings for the State and the Nation. Further, where schemes are approved, the solar companies should be required to make compulsory development contributions commensurate with the loss of a typical crop to the wider processing plants in the area, for the life of the solar project. Most importantly, the NSW Government should recognise that irrigation farms should never be viewed in isolation of the whole irrigation area and its associated infrastructure when making decisions about the location of solar farms.

79 Lake Macquarie City Council

Assessing impacts of development on solar energy collectors on neighbouring properties

That Local Government NSW advocates for the State Government to adopt a consistent state-wide policy response for assessing development impacts on neighbouring properties with solar energy collectors (such as photovoltaic (PV) panels and solar hot water systems).

Note from Council

There are now more than one million rooftops in NSW that have solar energy collectors (that is, solar photovoltaic (solar PV) panel systems and/or solar hot water systems). Solar energy collectors are one way in which residents and businesses can reduce greenhouse gas emissions and save money on energy costs. However, as development continues across the State, there is the potential that new buildings and renovations may result in existing solar collectors on neighbouring sites being overshadowed, limiting the solar collectors' potential to generate energy.

A state wide policy position is necessary to provide local governments and their communities with a consistent framework for understanding factors that should be assessed when determining an application for new developments and the impacts on existing solar collector systems of neighbouring properties. The State Government should also consider supporting guidance or tools that assist the community and industry when installing new solar collector systems in scenarios where new development is likely to occur.

80 Willoughby City Council

Companion animals register

That Local Government NSW make representations to the State Government requesting The Companion Animals Register be modified to include the provision of full names and other identifying data to ensure the accuracy of owner details. This modification would require that any person who owns a companion animal would also provide documentation confirming the accuracy of their recorded details on the register.

Note from Council

The principal object of the *Companion Animals Act 1998* is to provide for the effective and responsible care and management of companion animals.

Councils are the primary appropriate regulatory authority and accordingly have an important responsibility to achieve this outcome. The Companion Animals Register was introduced in the late 1990s and is a vital component in this endeavour. When first introduced it provided for the first time a centralised database of Companion Animals in NSW. It remains a key tool for councils whilst carrying out statutory functions under the Act and is an invaluable resource whilst undertaking enforcement and education functions. Despite this, it needs to be acknowledged that the register was originally designed over two decades ago and remains essentially unchanged to this day. This has resulted in

some issues associated with the accuracy of the data that is contained within the register. Of particular importance is the inaccuracy of owner details that are recorded within the register which can cause identification problems when Councils are required to investigate breaches of the Act. It is common for owners to have inaccurate and incomplete identifying information recorded.

This matter has been raised previously but, despite assurances that the register would be improved, it remains an unresolved issue.

Other environment issues

81 Tenterfield Shire Council **Increased hazard reduction and water infrastructure**

That Local Government NSW lobbies the NSW Government to request that NSW National Parks & Wildlife Service, NSW Forestry Corporation and NSW Local Land Services, as a duty of care, 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.

Note from Council

The combination of a severe, long, dry spell and a build-up of fuel in the National Parks and State Forests caused considerable losses in the LGAs of Armidale, Inverell and Tenterfield (together with cross border, QLD LGA of Southern Downs Regional Council) in the Section 44 Emergency wildfire events of February 2019. This loss is still having a huge impact on the well-being (both emotional and financial) of the residents and business communities in these areas.

Australia's native forest areas have long been managed by the use of fire and the decision to restrict control burning and hazard reduction during the past 25 years has had a devastating impact on the native flora and fauna and communities right across Australia. The forecast of ever hotter and drier conditions brought about by climate change will bring an increase in these devastating events. In addition, the lack of water infrastructure for firefighting activities within the National Parks and State Forests was severely tested during the February operations with local landowners having their depleted personal and stock water supplies taken to assist with fire control, leaving them in a perilous situation which could not be rectified immediately.

82 Ryde City Council **Proposed changes to the *Companion Animals Act 1998***

That Local Government NSW:

1. Writes to the NSW Minister for Local Government, proposing the below inclusion to the defences laid out in Section 16(2) of the *Companion Animals Act 1998*: - It is not an offence under this section if the incident occurred: (f) where a dog is behind a physical barrier such as a fence or enclosure and rushes at or harasses a person or animal.
2. Seeks community support by way of a LGNSW generated petition for the proposed changes to the *Companion Animals Act 1998*, as outlined in point 1 above.
3. Upon receipt of at least 10,000 signatories to the petition, presents the petition to a session of the NSW Legislative Assembly for discussion to support the requested changes to the *Companion Animals Act 1998*.

Note from Council

Under the current legislation, it is an offence if a dog rushes at, attacks, harasses or chases any person or animal, whether or not an injury was sustained (max penalty \$11,000 or \$22,000 if caused by reckless act or omission by the owner). The Act provides specific circumstances where these actions are not an offence, such as in the case where the dog is being provoked or teased, if the person or animal was trespassing on the property where the dog is being kept or the dog was acting in reasonable defence of a person or property. However if a dog is in a public space such as a fenced dog off-leash area and barks or rushes at a person or animal outside the fence, the owner is guilty of an offence. Council is proposing that in cases where the dog is behind a physical barrier from the other animal or person, that it no longer be considered an offence.

83 Shoalhaven City Council

Confining domestic cats

That the NSW Government changes the Companion Animals Act so that domestic cats are no longer free to wander and are confined to the house of their owner and/or an appropriate meshed cat run.

Note from Council

The number of feral and stray cats in Australia is almost impossible to calculate but in 2014 Greg Hunt, the then Federal Environment Minister, said that estimates put it at around 20 million and these were killing up to 20 billion animals per year. As an example, in the Shoalhaven, we are custodians of one of the most important biodiversity regions in Australia including around 300,000 hectares of National Parks and State Forests. The area is home to approximately 390 bird species, 61 of which are threatened and 17 of those 61 species are on both NSW and Commonwealth Endangered Species lists. Within 1km of Hyams Beach 139 species have been catalogued and 78 species within the same distance from Bherwerre Wetland at Sanctuary Point. Cats on the loose provide a major threat to not only birdlife but ground mammals, frogs, snakes and lizards.

Council Rangers across NSW do not have the same rights to impound cats as they have for dogs and can only do so if a cat is declared to be a "nuisance". The law needs to change so that local councils can make a more useful contribution to curbing Australia's extinction crisis.

84 Blacktown City Council

Over population of unwanted cats

That Local Government NSW calls on the NSW Government to take the following steps to improve the management of cats:

- a) Prohibit cats from roaming onto public places and private property without the permission of the property owner.
- b) Review the required holding period for unidentified cats (not microchipped) from 7 days to 72 hours.
- c) Ensure consistency between the *Impounding Act 1993* and the *Companion Animals Act 1998*.

Note from Council

The cat population is increasing, in part because cats are being allowed to roam freely. Under the provisions of the *Companion Animal Act 1998*, cats within NSW are considered to have no boundaries and are free to roam. The current nuisance order provisions for cats under the Companion Animals Act do not allow a Council to order the cat to be contained on the property. Prohibiting cats from roaming will also increase cat safety and minimise nuisance and native wildlife predation by cats, which is an aim of the Australian Cat Action Plan. Reducing the mandatory holding period for unidentified cats (not microchipped) from 7 days to 72 hours will allow us to release healthy animals to new owners or foster carers sooner.

9. SOCIAL AND COMMUNITY

Health

85 Forbes Shire Council

Rural doctor incentives

That a 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, and funding financial relocation packages for the engagement of doctors in rural towns.

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

Note from Council

The shortage of rural health care professionals is a nationwide issue. Rural areas across the country are struggling to keep doctors and maintain the same level of health services available in the capital cities. Rural Australia produces a vast majority of Australian exports every year with a growing export market totalling \$49B in the 2016-17 financial year (ABARES). To maintain a strong agricultural industry and be ready for the opportunities that the Asian Century offers, people need to remain in

rural areas. To do this there needs to be good health care services available to all people in rural areas.

There is a lack of relocation assistance available for professionals who do choose to move to rural areas. The move to rural areas can also be difficult especially for partners of doctors who may struggle to find employment in their chosen field and adequate schooling for their children particularly in secondary years. The three tiers of government must work together to ensure that there are incentives available to encourage doctors to serve rural communities, whether these be rotations of qualified proceduralists across rural areas, the payment of HECS-HELP debts, or other financial incentives. Rural areas have a great future, but will not be able to reach their full potential without adequate health services.

Parkes Shire Council**Health services in regional centres**

That Local Government NSW calls on the NSW Government and the Federal Government to address the critical shortage of medical specialists such as doctors, procedural specialists and nurses in regional NSW.

Note from Council

The shortage of doctors, particularly proceduralists and other medical specialists is fast becoming a crisis for regional NSW. Unless a new approach is developed the situation will deteriorate and the health standards of the people in regional NSW will similarly deteriorate in comparison to capital cities.

A new approach is needed which involves the three tiers of Government working together with the medical profession.

Leeton Shire Council**Restoration of health services in regional NSW**

That Local Government NSW lobbies the NSW Government to:

- a) Investigate and implement mechanisms to attract and retain suitably qualified medical practitioners for regional hospitals.
- b) Review the Public Hospitals (Visiting Medical Officers Sessional Contracts) Determination 2014 to engage general practitioner services at hospitals not currently included in Schedule 1.
- c) Provide appropriate and adequate drug and alcohol rehabilitation facilities and counselling services in regional NSW.

Note from Council

Apprehensions from community members and medical staff at the erosion of health services at hospitals in regional NSW prompted concerns from elected Councillors to be raised at Leeton Shire Council's meetings on a number of occasions. Primarily, the key issues relate to lack of on call doctors, lack of access to available beds and increased needs for patient transportation from hospitals in regional communities to larger centres, thus placing increased pressure on bigger hospitals. The need for patients to be transferred, often using NSW Ambulance services, results in additional pressure on those critical emergency services. Anecdotal evidence presented to Council showed that patients can be taken from one centre to another slightly larger centre before requiring relocation to a third. In some cases when beds are not available in the larger centres, patients are held in the emergency department either until a bed can be located or they are finally able to be treated. This is a situation that is common across regional NSW and one which can only be remedied by a firm commitment of funds from the State Government to attract and retain suitably qualified medical staff to regional facilities and to increase the numbers of Visiting Medical Officers at hospitals across NSW.

Lachlan Shire Council**Medical services in rural communities**

That Local Government NSW lobbies the Federal and NSW Governments to take immediate action to address the shortage of doctors and medical service providers in rural communities.

Note from Council

With recent changes to the payment arrangements for overseas trained doctors by the Federal Government, combined with the withdrawal or tendering of Visiting Medical Officer rights at rural hospitals, it is becoming increasingly difficult to attract doctors, nurses and other health professionals to rural and regional areas. This has created increased demand for locum services in rural communities creating a situation where communities are bidding against one another for some locum medical services. Some locum Doctors are reportedly requesting fees as high as \$3,500 per day with the cost being unsustainable for many health service providers.

86 Leeton Shire Council**Forensic pathology (post-mortem examination) services**

That Local Government NSW lobbies the NSW Government to:

- a) Undertake a full investigation into the delays currently experienced by communities in regional, rural and remote areas of NSW in accessing forensic pathology (post-mortem examination) services.
- b) Expand access to forensic pathology (post-mortem examination) services to regional centres outside Newcastle, Sydney and Wollongong.
- c) Review 2016 changes to the provision of forensic pathology (post-mortem examination) services which have contributed to delays in releasing bodies to grieving families.
- d) Improve exposure to the specialty of forensic pathology and death investigation in medical training facilities to help address the shortage of practitioners within the NSW Health system.

Note from Council

Prior to 2016, medical officers who were not specialist forensic pathologists could perform coronial autopsies at some regional hospitals in NSW. However, since then, the system has become centralised and specialised so the procedure can only be performed by forensic specialists - which are in short supply worldwide - in facilities in Sydney, Newcastle and Wollongong. As a result of these changes, most unexpected deaths now require bodies to be transported several hundred kilometres to allow for examinations to be undertaken to determine the cause which can cause delays of several weeks for families wanting to lay their loved ones to rest. The lack of suitably trained forensic pathologists has also contributed to delays with reports indicating even facilities within the Sydney metropolitan area have been impacted. These delays add to the grief and distress of bereaved families and add stress for those cultures that require deceased loved ones to be buried quickly. While delays in pathology services have an obvious effect on grieving families, they also hamper the NSW judicial system with reports of delays in prosecutions while police await reports with some pathology tests being sent overseas for processing. According to NSW Health Pathology, a post-mortem report for a coroner can take about seven months to complete, depending on the complexity of the case, clinical tests, interpretation of results and directions from the coroner.

87 Ballina Shire Council**Minimising harm resulting from electronic gaming machines**

That Local Government NSW lobbies the NSW Government to have Liquor and Gaming NSW:

1. Undertake increased inspections, monitoring and compliance activity in relation to electronic gaming machines
2. Report the outcomes of this increased activity online via the Liquor and Gaming NSW website on an annual basis to inform local government of the action taken.

Note from Council

Council has been considering the social impacts associated with electronic gaming machines (EGMs). Council is also aware that Liquor and Gaming NSW has lodged a complaint about the practices of a local operator, who has been reported to be operating outside the limits of the NSW *Gaming Machines Act 2001*.

In July 2019, Council considered a report on EGMs in Ballina Shire including measures to reduce the social impacts of poker machines and how these measures could be applied in the Ballina Shire. Council determined that the options open to local government are limited by the parameters set out in the NSW *Electronic Gaming Machines Act 2001*. Prior to determining a resolution, Council received a delegation made by the Reverend Tim Costello who spoke about the harms associated with addiction to EGM. Council resolved to put a motion to the 2019 LGNSW conference calling for increased monitoring, compliance and reporting in relation to electronic gaming machines.

88 Ryde City Council**Changes to the *Smoke-free Environment Act 2000***

That Local Government NSW lobbies the NSW Government to make changes to the *Smoke-free Environment Act 2000* to enable local government to issue fines and penalty amounts equivalent to NSW Health for smoking in a smoke-free area.

Note from Council

Section 632 of the *Local Government Act 1993* allows for councils to erect notices, including notices to prohibit smoking in a public place. Breaches of s632 notices are enforced by councils. The maximum penalty for an offence is 10 penalty units (\$1,100), or a fine of \$110 if a penalty notice is paid.

However, the *Smoke-free Environment Act 2000* permits a penalty notice of \$300 to be issued by NSW Health.

The current applicable penalties/fines from local government, set at the current rates, do not discourage nor prevent smoking in smoke free areas in LGAs. New penalties/fines should be identical whether issued by NSW Health or local government.

Women

89 Shellharbour City Council Information for women candidates at 2020 LG election

That Local Government NSW calls upon the NSW Electoral Commission to include sessions particularly targeted at women at any candidate information forums to be run for the 2020 local government elections.

Note from Council

Statistics show that NSW has the lowest number of elected women representatives in Australia. In order to have gender equality in local government measures must be undertaken to support women and encourage them to run. In the past it has been left to the Australian Local Government Women's Association to offer these forums to councils directly, however they should be included in all information sessions across NSW.

90 Shellharbour City Council Local government women's mentoring program

That Local Government NSW lobbies the NSW Government to introduce a women in local government mentoring program in NSW.

Note from Council

QLD and VIC both run mentoring programs for women elected to local government in their states, which have had a positive impact on the number of women elected recently. The mentoring program assists newly elected women by pairing new councillors with experienced councillors, to provide the support required to understand and carry out their role. NSW as the largest state by population, should be leading the way in gender equality, however NSW currently has the lowest number of women councillors in Australia.

Youth

91 Lismore City Council Increase to Newstart and Youth Allowances

That:

1. Local Government NSW lobbies the Federal and NSW Governments to urgently increase the Newstart and Youth Allowance by a minimum of \$75 per week in order to address quality of life issues for those on allowances, and their families; and
2. Such an increase would see the economic benefit of disposable income in NSW rise by \$905 million.

Note from Council

The Australian Council of Social Service (ACOSS) 'Raise the Rate' campaign acknowledges the current abysmally low rate of Newstart and Youth Allowance and the immense hardship it causes for recipients, by severely affecting their ability to secure adequate accommodation, pay rent and bills, responsibly look after their health, eat appropriately, stay connected to their community and care for their children.

Crime prevention/community safety

92 Lismore City Council To establish social justice committees across all councils

That Local Government NSW:

1. Recognises and supports social justice committees across all councils with a specific outcome of meeting the demand for residential rehabilitation services, regional Drug Courts, Youth & Adult Koori Courts and Justice Reinvestment Initiatives.
2. Requests that the NSW Government establish funding across regional NSW for youth detox services and expansion of the Magistrates Early Referral into Treatment (MERIT) program.

Note from Council

Social justice and crime prevention issues have traditionally been recognised as the responsibility of state and territory governments. However, the benefits in involving Local Government in developing and delivering crime prevention and addressing social justice issues at the community level are significant. By drawing on grassroots experience and expertise of key stakeholders and the wider community, Local Governments are able to play a key facilitation role in delivering social justice outcomes at a local level.

The Lismore City Council Social Justice and Crime Prevention Committee has been in place for over one year, holding meetings every two months. Members of the Committee come from diverse parts of the community and include the Lismore DPP, Lismore Community Corrections, Legal Aid, Aboriginal Legal Service, Women DV Service, Rekindling the Spirit, barristers, lawyers, health workers, the Justice advocacy service, local Aboriginal Community Liaison Officers (ACLO) and representatives from local rehabilitation centres.

The Committee has, in its first year, finalised a report that quantifies the demand for a range of essential social services in our community, identifying where gaps exist in current service delivery. It has drawn on both anecdotal evidence provided by workers in the various sectors, people with lived experience and statistical data from Bureau of Crime Statistics and Research (BOCSAR).

The Committee gave evidence at the recent Ice Inquiry and forwarded our Committee's findings to the relevant members of State and Federal Parliament so that they now have on the ground data about the unique needs of our community. This will assist government in allocating funds that will specifically address the needs that our Committee has highlighted. Some of the outcomes that our Committee are seeking include further (and culturally appropriate) residential rehabilitation and healing centres, a youth and adult Koori court, a drug court and a justice reinvestment project.

Each meeting involves looking at and analysing the specific issues impacting our local community and how the community (with guidance from the Committee) can take the lead in initiating change, such as initiating Justice Reinvestment projects which is the current focus of the Committee.

We believe that all local government councils whose communities are facing similar social issues should form similar committees. We note that Dubbo Council has a social justice and crime prevention committee and the good work and leadership of Cr Lawrence was what inspired our council to do the same.

MERIT is a program available in most Local Courts in NSW that provides the opportunity for adult defendants with substance abuse problems to work, on a voluntary basis, towards rehabilitation as part of the bail process

That Local Government NSW:

- a) Requests the NSW State Government to amend the *Crimes (Domestic and Personal Violence) Act 2007* to include economic abuse, the definition of which would include dowry abuse.
- b) Requests the NSW State Government to amend existing legislation relating to apprehended violence orders to explicitly recognise dowry abuse as an example of economic abuse.
- c) Advocates for the participation of local government in efforts with stakeholders to develop ongoing education and awareness raising campaigns about economic abuse, including dowry abuse.

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

Note from Council

'Dowry' is a practice referring to money, property or gifts that are typically transferred by a woman's family to her husband upon marriage. The use of dowry in itself is not a form of abuse. Dowry abuse is defined as any act of violence or harassment associated with the giving or receiving of dowry at any time before, during or after a marriage.

The 2018 Federal Senate inquiry into the "Practice of dowry and the incidence of dowry abuse in Australia" recognised dowry abuse as a form of economic abuse. In NSW, obtaining protection from this form of domestic violence is difficult for victims, partly because NSW remains the only state/territory in Australia to not define 'economic abuse' within its domestic violence laws.

Councils across NSW work to reduce the incidence of family and domestic violence in their communities, and the role of local government is recognised in the National Plan to Reduce Violence Against Women and their Children (an initiative of the Council of Australian Governments). In addition to primary prevention activities, council employed community workers often provide support and referral services for victims of family and domestic violence.

This motion supports previous motions passed by LGNSW in relation to family and domestic violence and support for White Ribbon Australia workplace accreditation.

City of Parramatta Council

Dowry abuse as family and domestic violence

That Local Government NSW:

- a) Lobbies the NSW Government to amend the *Crimes (Domestic and Personal Violence) Act 2007* to include economic abuse; and that within this inclusion, dowry abuse is recognised as a form of economic abuse.
- b) Lobbies the NSW Government to amend existing legislation relating to Apprehended Violence Orders to explicitly recognise dowry abuse as an example of economic abuse.
- c) Advocates for the participation of local government in efforts with stakeholders to develop ongoing education and awareness raising campaigns about economic abuse, including dowry abuse.

Note from Council

In 2018, the Senate undertook an inquiry into the "Practice of dowry and the incidence of dowry abuse in Australia." Inclusive in this inquiry was the examination of Federal and state based legislation. Full Senate report: aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/DowryAbuse/Report

This motion is based on local community experiences of dowry abuse; as well as this report's findings and recommendations. In particular, this motion is to support Recommendation 2 and Recommendation 11 of the Inquiry Report.

City of Parramatta, as with a number of councils within NSW, has a large, vibrant multicultural community. The practice of dowry remains a central marriage custom in many of the communities. With the prevalence of this practice, many of our community members have also expressed that dowry abuse affects our communities. Dowry abuse is defined as 'any act of violence or harassment associated with the giving or receiving of dowry at any time before, during or after the marriage. The 2018 Senate Inquiry recognised dowry abuse as form of economic abuse. In NSW obtaining protection from this violence is difficult for victims; partly because economic abuse, is not recognised within the State legislation. NSW is the only state/territory which has not defined 'economic abuse' within its domestic violence laws.

Stakeholder engagement and education is important to ensure that residents affected by dowry abuse receive the appropriate assistance. Councils have a number of relationships with a wide range of stakeholders. As well, through their community development teams, Councils have an existing portfolio of work in domestic and family violence prevention. Therefore, they are well placed with their relationships and corporate experience to take part in stakeholder engagement, awareness raising/education and training projects.

Sport and recreation

94 Broken Hill City Council

Volunteer support

That the NSW Government should acknowledge the economic importance of the work of volunteers in keeping essential community services viable, particularly in rural and regional areas by adding a component to the funding supplied to these organisations to assist with the recruitment and ongoing acknowledgment of these volunteers.

Note from Council

Key Argument: Providing extra financial support to community organisations assists the development of a framework to build a strong and sustainable volunteering culture within local government bodies.

Through increased resourcing of volunteer programs, you are able to align the involvement of volunteers with the strategic direction of our councils. Development of a volunteer strategy will also demonstrate to stakeholders that volunteers are valued through their contribution towards councils' strategic objectives.

Additionally, the identification of volunteer support needs can provide the means for council to respond to emerging trends in volunteerism, identify future opportunities, promote best practice and ensure a volunteer program is responsive to the needs of councils and its volunteers.

Objective:

- Supporting volunteers by increasing capacity of council staff in NSW
- Valuing and recognising the contribution of volunteers across the NSW communities
- Meeting volunteer skills and motivations through tailored volunteer opportunities.

95 Hornsby Shire Council

Funding for sportsgrounds, recreational and open spaces

That Local Government NSW requests the NSW Government to deliver refreshed funding approaches for sportsgrounds, sports facilities, recreational and open spaces, including:

- a) Ongoing annual funding program which may involve a new regional funding approach for the metropolitan councils such as a new regional sports and recreation foundation or other coordinated regional funding mechanisms for metropolitan councils on a distinct-regional or district level basis rather than one-off grants on an individual council-basis.
- b) Returning a proportion of the State's Special Infrastructure Contributions or the regional open space fund to the regions where they have been collected.
- c) A State specific acquisition fund to acquire land for sportsgrounds and open spaces.

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

Note from Council

The NSROC Regional Sportsground Strategy Review Final Report (December 2017), for the first time, quantified the gap between demand and supply of sportsgrounds and how the gap will grow as population expands. By 2026, just the NSROC region alone will need an extra supply of 26% (or about 78 fields); by 2036, an additional supply of 40% will be required (or about 120 fields). All levels of government are supporting increased participation targets - NSW Office of Sport's Strategic Plan has a target of 65% of the adult population participating in regular physical activity by 2025 and 30% of children participating in regular physical activity outside of school by 2020. Increased housing density intensifies the need to access open spaces and sportsgrounds.

Councils' financial means of acquiring land for more diverse recreation activities are restricted given that availability and access to large suitable areas of land is becoming rarer and driving up prices. A regional or district-based funding approach, on an annual ongoing basis, rather than one-off grants on individual council-basis, would assist councils' endeavours (including metropolitan regions where land is scarce), and help to deliver sportsgrounds, recreational and open spaces where communities travel beyond local government boundaries to participate in sports and visit recreational parks.

The NSW Government must provide all local government areas a sufficient and separate funding stream for sporting facilities.

Note from Council

Funds are deficient in regional LGAs to fund much needed upgrades of sporting facilities.

Sporting and recreational facilities are critical to the culture and identity of rural NSW (and rural Australia) as they provide a place for connecting people which is significant for the social wellbeing and physical benefits for all ages, building resilience, improving mental and physical health. These facilities become more important for populations less than 15,000 and who generally do not have the income to build these facilities as compared to larger populations, but would be able to maintain the facilities. In many rural and remote communities people need to drive up to two hours to have access to sporting and recreational facilities and it is often out of the financial reach of those living in these towns further disadvantaging people in our communities.

These facilities become even more important during times of drought and hardship. They provide those who are experiencing challenges with social interaction, which is critical to mental health, provides a boost to wellbeing, self-esteem and physical health. These facilities are also used by various community groups to meet the needs of many local community groups to ensure a diversity of opportunities are available. Without sufficient funding to maintain and upgrade sporting facilities the wellbeing of rural communities is at risk.

Not only do these benefits build and maintain resilient communities there are opportunities for regional and rural towns to attract regional events which provide fundraising opportunities, and other economic benefits through sports tourism, therefore further benefiting the wider community.

Councils across the state must have access to an equal share of funds for sporting facilities. Councils call on the NSW Government to have a grant funding program for sport and recreational facilities for councils with a population of less than 15,000.

Multicultural

96 Cumberland Council

Refugee settlement

That Local Government NSW calls on the Federal Government to urgently review the current restrictive eligibility requirements for the Status Resolution Support Scheme with a view to restoring access to this program to all people seeking asylum until a resolution of their status is complete.

Note from Council

In 2018 the Australian Department of Home Affairs changed the eligibility to its Status Resolution Support Service (SRSS) which meant that a significant number of people seeking asylum in Australia lost access to basic income assistance for housing and food, a caseworker and torture and trauma counselling.

The SRSS program is the only Government-funded social security support available for people seeking asylum.

These people are now at risk of homelessness and destitution.

In restricting access to this program the Commonwealth Government has shifted the burden of responsibility and significant costs on to local councils, charities and other community organisations all of whom are experiencing heavy increases in demand for their services and support to fill this gap.

Cultural services

97 Shellharbour City Council

NSW Vivid roadshow

That Local Government NSW:

1. Advocates for an expansion of the successful Vivid Sydney Winter Festival to take it to regional NSW as the "Vivid NSW Roadshow".
2. Approaches Destination NSW, on behalf of interested regional NSW councils that identify themselves to Local Government NSW, with a view to supporting an expanded program in regional areas.
3. Advocates for Destination NSW funding to be distributed to selected regional councils to support the development and implementation of local Vivid events.

Note from Council

Big events have direct and indirect impacts on communities. They provide opportunities for participation, skills development, volunteering and social, cultural, economic and environmental developments.

The benefits of major festivals to communities are extensive, particularly when the draw is from outside the region. Research shows that the more involved local people and suppliers are in terms of provision of services, food, beverages, and attractions, the greater the economic benefits to the region. Local vendors, artisans, craftspeople, restaurateurs, hoteliers and innkeepers may make a large portion of their annual income during the course of an event.

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 often takes a known or branded entity and combines that with a unique local perspective and flavour. This is what we are hoping to achieve through the development of a VIVID Roadshow.

98 Bathurst Regional Council

NSW Government - museum strategy

That Local Government NSW lobbies the NSW Government to devise a museum strategy for NSW with sufficient resources to ensure cultural heritage led vibrancy, collection care and local storytelling initiatives are supported, developed and maintained for communities throughout the State.

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

Note from Council

Bathurst Regional Council recognises the community and economic benefits of the provision of museums and is investing heavily in this service. Bathurst Regional Council currently has a Museums Unit, operates three museums and is building another museum as well as a collections store.

Discussions in-house and with MGNSW and other museum providers, have highlighted the need for the development of a museum strategy for the whole of NSW. A NSW Government led Museum Strategy is essential to guide the prioritisation of infrastructure developments, projects and resources to make museums sustainable (keep the doors open), providing vibrant programming – ensuring that local stories are documented and made accessible both in museums and on-line.

Albury City Council

NSW Government support for development of NSW museum strategy

That Local Government NSW lobbies the NSW Government to devise a Museum Strategy for NSW with sufficient resources to ensure cultural heritage led vibrancy, collection care and local storytelling initiatives are supported, developed and maintained for communities throughout the State.

Note from Council

Museums are important to communities throughout the State as they act as community keeping places for local memory and storytelling. They also provide welcoming places for locals and tourists alike. A NSW Government led Museum Strategy is essential to guide the prioritisation of infrastructure developments, projects and resources to make museums sustainable (keep the doors open), providing vibrant programming - ensuring that local stories are documented and made accessible both in museums and in on-line forms.

In 2018, Museums & Galleries of NSW (M&G NSW) undertook a comprehensive survey of the Museum and Gallery sector in NSW to gain factual and reliable data for the sector on collections, staffing levels, facilities, funding and visitation. By comparing this data against previous census findings M&G NSW was able to provide an overview and health check of the sector and build on previous research. The survey findings reinforced that NSW has a large and diverse volunteer run museum sector, with over half of the organisations surveyed indicating they rely solely on volunteers. While M&GNSW provides effective support services to the volunteer sector and these programs achieve positive results, an overarching state-wide Museum Strategy is required to future proof the sector, and to ensure its contribution to community vibrancy, collection care, tourism, wellbeing and economic development is maintained and developed into the future.

Broken Hill City Council

Museum strategy

That Local Government NSW lobbies the NSW Government to devise a Museum Strategy for NSW with sufficient resources to ensure cultural heritage led vibrancy, collection care and local storytelling initiatives are supported, developed and maintained for communities throughout the State.

Note from Council

Key Argument: Museums are important to communities throughout the State as they act as a community keeping place for local memory and storytelling. They also provide welcoming places for locals and tourists alike. A NSW Government led Museum Strategy is essential to guide the prioritisation of infrastructure developments, projects and resources to make museums sustainable (keep the doors open), providing vibrant programming - ensuring that local stories are documented and made accessible both in museums and in on-line forms.

Objective: Increased Museum visitation.

99 Moree Plains Shire Council

Museum firearms permit proposed amendment

That Local Government NSW requests the NSW Minister for Police and Emergency Services to preserve the historic value of museum collections by amending Clause 59 (4) (A) of the Firearms Regulation 2017. The amendment should remove the condition that museums must render pistols and prohibitive firearms permanently inoperable and instead state that these firearms should be rendered temporarily inoperable.

Note from Council

To be granted a museums firearm permit, there is a condition that historic pistols and firearms must be physically altered so that they are permanently inoperable. The role of a museum is to preserve, not destroy, the artefacts in the museum's care.

Museums in NSW, including council run museums, are faced with the tough decision that if they choose to retain their firearms collections they will need to permanently alter them which de-values the artefact. For example, the Lithgow Small Arms Museum and the new museum in Moree Plains will struggle to display their collections. Moree Council has recently spent grant funds on preparing the museum displays only to be faced with the tough decision described above.

Museums have very strict and comprehensive security regulations. These valuable items have been loaned or donated to museums for safe keeping, preservation and display and it is a travesty to destroy the collections. Individuals who may have been inclined to donate family heirlooms to museums may now be reluctant to give them to an institution which is forced to irreversibly alter the heirloom.

A more sensible approach would be a condition that the firearms are rendered only temporarily inoperable whereby active parts of the firearms could be kept in a separate secure location.

Other social issues

100 Broken Hill City Council

Restoration and remediation of local cemeteries

That the NSW Government considers financially supporting councils for the restoration and remediation of local cemeteries that have been severely damaged from climatic conditions and drought.

Note from Council

Key Argument: Broken Hill and surrounds were hit by a hailstorm in November 2016 which resulted in the NSW Government declaring the event 'a natural disaster'. Thousands of roofs have been replaced under insurance warranty over the last two and a half years.

What was not taken into account at the time was the serious damage to graves and gravestones within the Broken Hill Cemetery-the final resting place of over 50,000 persons and one of the most significant historical sites in Broken Hill Australia's First Heritage Listed City and an important Tourism destination.

Our waterways are running dry due to the impact the drought has caused and is creating havoc to the land.

Broken Hill Tidy Towns Group is still working at removing broken wreaths and ornaments that were destroyed during the storm, but the restoration of graves is financially beyond council and its workers/volunteers.

The cemetery is the final resting place to many significant history makers and legends that helped form Broken Hill along with over 800 men that were killed on Broken Hill mines are remembered in this incredible cemetery.

Objective:

- Maintain the intrinsic link between cultural heritage and cemeteries
- Manage historic cemeteries as heritage places
- Present and interpret significant cultural heritage places to park users and visitors

101 Cumberland Council

Homelessness

That Local Government NSW advocates for the NSW Government to actively lead and contribute to the implementation of initiatives to combat the homelessness crisis in NSW, including funding for local government to deliver initiatives at the local level.

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

Note from Council

There are many intersecting factors that contribute to homelessness in an area including the unaffordability of housing, domestic and family violence, mental health issues, low income and poverty, unemployment and barriers to employment, drug and alcohol addiction, social isolation, instability and transience. Organisations providing services to the homeless are overwhelmed by demand and their funding from the Commonwealth and NSW governments is often unstable. Crisis, short, medium and long term accommodation is in short supply.

Local councils can assist to address these key issues by developing strong affordable housing and homelessness policies, increasing connections between services, encouraging more collective action-planning for shared activity, training front-line Council staff to identify and respond to people at risk and developing a centralised data collection process to reveal the extent of the issue.

Government funding to increase the capacity of local councils to engage with local services on this serious issue is urgently required.

Kyogle Council

Social housing stock deficits in regional NSW

That Local Government NSW calls on the NSW Government to provide funding to address social housing stock deficits in the regions, to raise regional housing stock levels up to the state average.

Note from Council

The lack of affordable rental properties and affordable home ownership is causing significant social and economic impacts in Australia's cities and regions. Homelessness and housing stress can really affect the mental and physical health of not only individuals but their families as well as the broader community. It can impact on their education and employment opportunities and their ability to participate fully in the community.

The ABS 2016 Census data shows that the rate of homelessness in Australia has increased 4.6% over the last five years. The latest estimates reveal more than 116,000 people were experiencing homelessness in Australia on Census night. Local Councils continue to do some "heavy lifting" on affordable housing with their communities but we obviously have certain budget restrictions - which are exacerbated by cost-shifting, rate-capping and rate concessions for community housing.

Forbes Shire Council

Further awareness of homelessness in rural areas

That the NSW Government recognises that homelessness is not just an urban issue, and increase funding for homelessness support in rural areas.

Note from Council

A significant proportion of people experiencing homelessness are located in rural and remote areas within Australia. The risk of becoming homeless is much greater in rural areas due to high living costs, low incomes and limited access to homelessness centres. Furthermore, individuals may need to travel for hours to reach a service that can assist with some not being able to travel at all which makes homelessness long-term.

Domestic and family violence is the prime cause of homelessness in the funded homeless service system within Australia. However, the lack of services that are available to assist victims of domestic and family violence in rural areas prevents women from leaving violent situations with fear of negative community judgement. Further state government funding for temporary accommodation, subsidised transport services and public amenities including shower facilities in rural areas would greatly assist rural residents who are suffering as a result of homelessness.

10. GOVERNANCE AND ACCOUNTABILITY

Legislation affecting the identity of Local Government

102 Lane Cove Council **Impounding of illegally parked vehicles**

That Local Government NSW supports suggested changes to relevant legislation to allow council rangers the authority to have vehicles impounded where they are illegally parked across driveways preventing access. Such legislation is to include safeguards to prevent the misuse of these changes including a requirement that the removal be initiated by an owner of the affected property.

Note from Council

Under section 16(5) of the NSW Impounding Act, Council Rangers are able to have motor vehicle towed and impounded, viz: -

“(5) A motor vehicle may be impounded immediately (without following the procedures in this section) if the vehicle is in a public place and the impounding officer is satisfied on reasonable grounds that its immediate removal is justified because it is causing an obstruction to traffic (vehicular or pedestrian) or is likely to be a danger to the public.”

The general interpretation of this section is that councils are not able to use this provision for immediate towing of vehicles parked across driveways. In extreme circumstances the police could be called and might be able to remove the vehicle using their emergency powers, however there is a general reluctance to use these powers. However, if a car owner cannot be contacted, as in the above example, then nothing can be done until the driver decides to remove their vehicle.

103 Wagga Wagga City Council **Announcements in the local newspaper**

That Local Government NSW and member councils advocate for the removal of the requirement for local councils to make announcements in the local newspaper.

Note from Council

The reach of many newspapers has fallen, meaning that the requirement to make announcements in local papers fails to reach a large audience that can now often be reached through other means. The cost impost of this requirement also restricts councils from being able to issue notices in other ways for greater reach. Removing this requirement allows councils to determine the best method to make announcements and ensure they reach their community.

104 Lismore City Council **Amend fees under GIPA Act**

That Local Government NSW lobbies the Information Privacy Commissioner for an increase to the processing charges in the *Government Information (Public Access) Act 2009*, capped at \$60 per hour.

Note from Council

The *Government Information (Public Access) Act 2009* (the Act) specifies fees for processing an application. These include a \$30 fee to make an application; and a processing charge of \$30 per hour for each hour of processing time for dealing with an application.

The \$30 application and processing fees were introduced in 1989 under the previous Freedom of Information Act. There has been no increase in this statutory fee since 1989.

The cost of processing an application is more than \$30 per hour as the hourly pay rate of the staff processing the application is greater than \$30.

According to the Reserve Bank of Australia website, a basket of goods and services valued at \$30 in calendar year 1989, would in calendar year 2018 cost \$63.50. The total change in cost is 111.7%, over 29 years, at an average annual inflation rate of 2.6%.

This Notice of Motion seeks to increase the processing charge for applications to \$60 per hour to cover staff costs and in recognition of the many hours spent processing these requests.

Under the Act, councils have discretion to waive or reduce processing fees based on an individual's circumstances.

105 Bland Shire Council

Audit risk & improvement committees

That Local Government NSW lobbies the NSW Government for the establishment of a separate panel of independent members, with specific local government knowledge, for appointment to local councils Audit, Risk and Improvement Committees.

Note from Council

Although these committees will not be mandatory until March 2021 it may take that long to appoint an Independent Local Government Members Panel. Such a panel exists at the State Government level but not at the Local Government level. If these Committees are to be effective and are to serve the purpose for which they are being established than it is imperative that the 'independent' members have sound local government knowledge.

Structural reform

106 City of Canterbury Bankstown Council

Metro regional partnerships

That Local Government NSW calls on the NSW Government to:

1. Develop a NSW Cities-Regions Council Partnership framework.
2. Fund connectivity and technology for regional, rural and remote councils to connect to city councils.

Note from Council

Canterbury Bankstown Council (CBC) enjoys sister city partnerships with both Cobar Shire Council (CSC) and Broken Hill City Council (BHCC). Over the past decade the relationship with BHCC has evolved into a real working relationship between the councils, where we have spent time together both in each other's City and electronically.

As a large metropolitan council, we are able to attract some of the brightest young minds and most experienced staff in their respective fields, and we invest people, money and resources into continuous improvement around all that we do. In contrast, as we work with our regional partners we see that they often struggle to attract and retain talent in their region and declining rate bases and grant opportunities, put enormous pressure on investing in systems and procedures, leaving their awesome staff struggling holding together their day to day operations.

In more recent times, as CBC has gone on a journey of overhauling our workshop operations, we have partnered with BHCC to research together, visit other councils of excellence together and share all of our systems and procedures; we have been well placed to assist with civil design with our design staff; we have assisted with significant tender evaluations and sought to share staff where possible. All of these experiences have enriched and improved the work that CBC is doing where the perspective of BHCC staff has been invaluable. However there is so much more that can be done.

Further, when our Mayor and General Manager recently visited CSC it was very clear from our engagement with the community, ranging from people coming up to us on the street to our remote farm visit, that there is a serious disconnection between the city, the bush and in our case, the outback.

While city councils are well placed to share their intellectual property, system and procedures we must continue to work together on developing common work practices, policy ideas, lobbying on shared issues and sector wide reform. The melding of our shared experiences helps us appreciate different perspectives and makes our work so much stronger.

Further, through meaningfully working together, not just having a 'relationship' but a real commitment to joint activities and actions we can also help our regional partners bridge the divide of disconnection and isolation. We have a real role to play in making our sector and our state not only great, but one of wellbeing for everyone no matter where they are in local government.

One of the great barriers to this working efficiently across the State is not only a guiding framework to help those that have the desire to work together, but the technology and connectivity in the regions for them to digitally connect with city councils. It's important we can meet in the same room whenever we want without having to leave our respective Administration Centres.

107 Cootamundra-Gundagai Regional Council **Review of merged councils**

That Local Government NSW requests the NSW Government to undertake a review of progress/success of the councils that are the result of the 2016 forced amalgamations

Note from Council

In 2016, 20 new NSW councils were formed through amalgamations. Three years later some of these councils have made some extraordinary advances. For others, some challenges remain. For Cootamundra-Gundagai Regional Council (CGRC) there is still considerable work to be done on harmonising cultures, systems and processes. As a result of the merger CGRC is facing a large ongoing financial deficit.

In business, such a move would warrant a review of the outcome of the decision within twelve months of its implementation. For amalgamated councils there is a feeling of abandonment by the NSW Government which, in some instances, leaves amalgamated councils struggling to survive.

A NSW Government review into amalgamated councils, to look at both the benefits and disadvantages of the forced mergers, is a matter of good business practice.

108 Leeton Shire Council **Sustained support for Joint Organisations**

That Local Government NSW lobbies the NSW Government to:

- a) Follow through on its commitment to work collaboratively with Joint Organisations (JOs) to develop strategic priorities, business plans and action plans in the interests of delivering regional outcomes.
- b) Continue its investment in JO operating costs in order that this State Government initiative can continue to operate sustainably.
- c) Report annually on its engagement with JOs and the results delivered.

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

Note from Council

The establishment of Joint Organisations with the *Local Government Amendment (Regional Joint Organisations) Act 2017* was a stated commitment by the NSW Government to work more collaboratively with the Local Government sector to deliver positive outcomes for communities. The initial funding provided to Joint Organisations through the JO Establishment Fund, while valuable, has really only contributed to initial set up. To show its genuine ongoing commitment to the partnership with groups of Councils, the NSW Government is strongly urged to provide ongoing funding towards the operations of JOs in order to help drive better planning, economic development and service delivery in regional NSW.

Albury City Council

NSW Government support for NSW Joint Organisations

That Local Government NSW requests NSW Government base-funding support for the newly established Joint Organisations in order to ensure their future ability to operate as required under NSW Government legislation.

Note from Council

In 2017, the NSW Parliament passed legislation Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018 under the *Local Government Act 1993* to establish a network of Joint Organisations (JOs) to help drive better planning, economic development and service delivery in regional NSW. The JOs were offered \$300,000 in seed funding, in conjunction with contributions from member councils, with most JOs formalising their establishment in 2018 or early 2019.

According to the Office of Local Government's website, JOs were established to "transform the way the NSW Government and local councils collaborate, plan, set priorities and deliver important projects on a regional scale, with JOs being placed as the new key mechanism through which the Government delivers funding and programs to regional NSW". The NSW Government is yet to be forthcoming with annual funding for the JOs, with most JOs being reliant on council contributions as their major form of income. Without NSW Government cooperation and support for a funding framework with JOs, it is foreseeable that most JOs will either rely heavily on their councils to provide the base funding required, or may become insolvent.

Federation Council

Joint Organisation funding

That the NSW Government commits to further funding to assist in the ongoing operational costs of Joint Organisations to reflect that they will be undertaking work on behalf of the NSW Government, and assisting the NSW Government in their ability to achieve State outcomes.

Note from Council

Council applauds the NSW Government on its implementation of the Joint Organisation model, and is a member of the Riverina and Murray Joint Organisation (RAMJO). Whilst it was heartening to receive the additional \$300,000 in start-up funding, and a recent announcement of some further funding, Council calls on the State Government to commit to ongoing funding.

The JO's can and will deliver on State Government priorities, and in that sense, could be seen as a further delivery arm for the State, and linked to local government. Considering this, and these benefits, it is considered critical that the JO's have a secure sustainable funding contribution from the State Government. Councils are willing to pay their share in funding also, but feel it is also a State Government responsibility.

RAMJO like some of the other JOs is off to a great start, with strong and effective leadership and governance practices, along with a very well structured and achievable strategic plan, and working sub committees who are all active across the priority areas. It is considered critical that local government isn't further burdened by cost shifting, by having to continually increase its funding to the JOs, when it is also carrying out work that is also of great benefit to the State as a whole.

Shoalhaven City Council

Joint Organisation funding

That the NSW Government provides ongoing funding of \$300K per annum for each Joint Organisation commencing in 2019/2020, indexed with the rate peg or CPI, and a 4-year funding agreement be developed with agreed performance measures between the NSW Government and each Joint Organisation.

Note from Council

Joint Organisations have been established to undertake key inter-governmental collaboration with members of their representative Councils and to obtain efficiencies for their member Councils.

There is much work to be done and there are clear areas where efficiencies, economies of scale and synergies can be established for the betterment of our local communities and the state.

However, despite the realisation of what can be achieved, there is an ongoing concern of the financial viability of these organisations.

The level of financial commitment required from councils to adequately resource the Joint Organisations threatens the stability of the new organisations. It is recognised that it will take time to build relationships and sustainability across the JO network to deliver ongoing outcomes for regional and rural NSW, however it is essential that ongoing funding is provided to Joint Organisations to provide the best chance of success.

We are seeking an annual contribution for each Joint Organisation so that both councils and the NSW Government share the costs of Joint Organisations delivering benefits across regional NSW.

Local Government Elections

109 Nambucca Shire Council

Elimination for the need of a by-election

That Local Government NSW writes to the NSW Minister for Local Government to request an extension of:

- a) Countback provisions to the first 2 years of a council term, and
- b) the Minister's discretion to provide councils with the option of avoiding a by-election for a casual vacancy for the last 2 years of a council term.

Note from Council

Should a vacancy occur in the first 18 months of a council term a by-election can be avoided by a countback option. Similarly, in the last 18 months of a council term council, with the Minister's approval, can opt not to hold a by-election. Should a vacancy occur in the middle 12 month period council must hold a by-election. If it was possible to extend by six months the other two options a costly by-election could be avoided, while still giving council the option of holding a by-election in the last 2 years of a council term if it so desired.

110 Newcastle City Council

Local government election costs

That Local Government NSW:

1. Notes the draft report from IPART titled Review Of Local Government Election Cost which includes a proposed 62% increase to the cost of councils holding elections conducted by the NSW Electoral Commission.
2. Notes that IPART has indicated that this would increase the City of Newcastle's costs by more than \$500,000 per election.
3. Notes that IPART believes that 'market competition' is needed to reduce the cost of elections as the NSW Electoral Commission is a 'near monopoly'.
4. Writes to the Premier and NSW Special Minister of State calling for them to intervene and halt the privatisation of democracy, and unjustifiable increases in election costs to ratepayers across NSW.

Note from Board

At present, councils have the option to engage private election services providers to run their elections where they determine that a private provider may offer better value than the NSW Electoral Commission. Point 4 of this motion calls on LGNSW to write to the NSW Government requesting that it 'halt the privatisation of democracy'. If this motion is carried, it would mean that LGNSW would take a position in opposition to councils having choice to use election services providers other than the NSW Electoral Commission.

Note from Council

IPART is reviewing the amount the NSW Electoral Commission can charge councils for administering local government elections in 2020.

The NSW Government looks set to significantly increase the costs to councils for conducting elections, a clearly unjustifiable increase for ratepayers across NSW.

111 Lane Cove Council

Expenditure caps for local government election campaigns

That Local Government NSW requests the NSW Government to endorse the recommendations made in the "Inquiry into the impact of expenditure caps for local government election campaigns" that was tabled in October 2018.

Note from Council

The *Electoral Funding Act 2018* (the Act) introduced electoral expenditure caps on the local government sector for the first time.

Disappointingly, the Act was legislated in July 2018 without consultation with local government, and with no local government input into how the local government electoral expenditure caps could be formulated.

As a result, the Act establishes an inconsistent and inequitable electoral expenditure regime for local government, holds local government to a standard of compliance beyond that expected of State government, and appears to operate contrary to its own objectives.

If not amended prior to the 2020 local government general elections, the Act's provisions will have an adverse effect on the manner in which local government election campaigns are able to be run.

That Local Government NSW lobbies the NSW Government to request changes to the *Local Government Act 1993* in order to ensure that a person wishing to nominate for a particular council area must either be a resident or a ratepayer.

Note from Council

There are certain criteria one needs to meet in order to be eligible to nominate to be elected as a Councillor in a LGA. A person may become a Councillor in a particular area even if they do not live or pay rates in that given area. They may simply be 'sponsored in' by a ratepayer making them eligible.

Under the *Local Government Act 1993 (Act)*, and in order to be elected to Council, a person must be enrolled to vote in the relevant LGA (s.274(a) of the Act).

In order to be enrolled to vote, one must either be:

1. A resident of the ward in question;
2. A non-resident owner of rateable land in the ward in question; or
3. An occupier, or ratepaying lessee, of land in the ward.

(See s.266(1) of the Act).

An "occupier" is defined under the Dictionary to the Act as:

occupier includes:

- (a) a person having the charge, management or control of premises, and
- (b) in the case of a building which is let out in separate occupancies or a lodging house which is let out to lodgers, the person receiving the rent payable by the tenants or lodgers, either on his or her own account or as the agent of another person,

and, in the case of a vessel, means the master or other person in charge of the vessel.

Further to the above, sections 299 and 300 of the Act set out the process and circumstances under which someone may be added to the non-residential roll as either a non-resident owner, occupier, or ratepaying lessee of a ward.

Any change to the constitution of the non-resident roll, or the process for appointing persons to that roll, would require action on the part of the NSW Parliament in relation to the above sections of legislation.

That Local Government NSW requests that the NSW Government:

1. Makes grant funding available for councils to trial online voting and e-democracy platforms to assist in the long term reduction in cost per elector; and
2. Urgently explores the legislative reform required to implement online voting and e-democracy initiatives in local government.

Note from Council

It was noted with interest in the recent IPART review of election costs, that election staffing is a key driver of the NSW Electoral Commission (NSWEC) cost increases, with staffing costs comprising 41.4% of the NSWEC's operating expenditure. While acknowledging the cost savings identified by the review, the broader issue remains that elections are resource intensive exercises and the procuring and manning of polling booths comes at a considerable cost to councils.

Staffing costs are likely to increase every election, and the proposed methodology tabled by IPART will only serve to shift more cost back to local government over time.

While the IPART Review delivers greater clarity around the true costs of running an election, the delivery of technology based innovations will allow councils to minimise costs and drive better value for ratepayers.

We request the NSW Government makes available grant funding for councils and service providers prepared to trial online voting and e-democracy platforms as a matter of urgency.

Failure to look at the longer term approaches to the delivery of election services will delay Councils' ability to obtain value for money from any service provider, regardless of whether the playing field is levelled through the IPART review.

114 City of Parramatta Council Non-voting at local government elections fine revenue

That Local Government NSW advocates to the NSW Government for the application of the significant fine revenue for non-voting in local government elections to be directly offset against the cost of the elections, applied to the relevant local government area, and not paid into the NSW Government's consolidated revenue fund.

Note from Council

Following the recent review of the costs of local government elections undertaken by IPART, on behalf of the local government, it is noted that councils will see a general increase in the cost of local government elections in the order of 62%.

The City of Parramatta Council supports the application of any fine revenue for the non voting of electors in the local government elections to be applied directly to the LGA in which the fine was raised, in order to supplement the costs to the community for the cost of the elections.

115 Brewarrina Shire Council Local government elections

That Local Government NSW lobbies the Minister for Local Government to ensure that, irrespective of the outcome of the current review by IPART into the cost of conducting local government elections, the NSW Electoral Commission not be permitted to increase the cost of conducting local government elections for 2020 and all future local government elections by more than the rate cap limit imposed on local government rates.

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

Note from Council

The IPART has released a draft report which has recommended that the costs of administering Local Government elections by the NSW Electoral Commission (NSWEC) be increased, with the result being that small rural councils such as Brewarrina face a 72% increase. There is a real concern that the IPART analysis includes shifting the cost for the NSWEC governance structure imposed on local government by legislative change, to local government.

Legislative changes require the NSWEC to manage recruiting and employing staff in a remote community; locating and appointing a returning officer (who is 260km remote from Council) and managing an election process which could otherwise have been managed in-house. Councils should not have to pay more than it would have cost to run elections in-house with the General Manager as returning officer and council staff. The IPART recommendation that NSWEC governance and administrative costs be recovered from councils is not relevant to the equitable determination or allocation of costs.

City of Canterbury Bankstown Council Local government election costs

That Local Government NSW:

1. Opposes the recommendation of IPART to increase election costs for the 2020 election for NSW councils who choose to utilise the services of the NSW Electoral Commission.
2. Writes to the Premier of NSW urging her to not accept IPART's recommendation to increase councils election costs as it would be yet another example of the NSW Government seeking to shift costs onto local government.

Note from Council

The Independent Pricing and Regulatory Tribunal (IPART) recently reviewed NSW local government election costs and made a number of recommendations in its draft report, including increasing councils share of the cost of the 2020 elections and increased market competition for election services.

Of particular significance is the recommendation that those councils opting to use the NSWEC to run their 2020 election would bear a large proportion of the total election costs (97%).

By way of background, in 2016/17, NSW councils contribution to NSWEC total costs was 89%. Council understands that NSW councils would pay on average 62% more than they did in their 2016/2017 elections.

Canterbury Bankstown Council's 2017 Election cost was \$1.5M. When extrapolated, Council estimates that its election cost for the forthcoming election (2020) would increase to around \$2.4M, an increase of around \$0.9M.

IPART's draft report proposes reforms that it believes will increase market competition for elections services, encourage efficiency and therefore provide longer term benefits to councils in terms of reduced costs.

While these reforms may have some benefits for councils in the longer term, in the interim, (and for the 2020 elections), there is a significantly increased financial burden on councils.

These proposed recommendations would have a significant financial impact on council and represent yet another example of cost shifting from the State Government to local government.

Lane Cove Council

Increase in elections costs

That Local Government NSW requests the NSW Government review the IPART Determination which recommends that councils meet 97% of the NSW Electoral Commission's costs in administering local government elections. The determination will result in an average increase of 62% on the cost of the 2016/2017 elections and is a further cost shift to the sector.

Note from Council

The Independent Pricing and Regulatory Tribunal (IPART) recently undertook a review of the costs of conducting local government elections in NSW at the request of the State Government. IPART has recommended a costing methodology based on an 'impactor pays' hierarchy, where the 'impactor' (who is defined as the entity that creates the costs, or the need to incur the costs) should pay the costs. As a consequence of IPART's recommended methodology, councils will be required to pay 97% of the NSW Electoral Commission's (NSWEC's) costs of administering local government elections. This equates to an average increase of 62% on managing the 2016/17 elections and an actual increase for Lane Cove of 55%. These recommendations present significant concerns for Council including:

- The suitability of defining councils as the 'impactor' given that local government election activities and the current market constraints are a direct result of state government policy, procedures and legislation
- The cross purposes of IPART's recommendations with the intent of the proposed costing methodology, which the review stipulates 'is required to minimise the financial burden on councils and ratepayers', while also encouraging the NSWEC to provide its election services in an efficient and cost-effective
- Whether it is appropriate to allocate indirect costs, including 'capital related costs and overheads', incurred by the NSWEC to councils given that those costs would generally be incurred by the NSWEC regardless of whether it runs local government elections or not.
- The premise that implementing the recommendations will ensure the NSWEC is operating on a level playing field with private providers of local government election services when it is inherently advantaged in that it is funded by the State Government and is not required to tender to provide election services to councils.
- The proposed market reform which aims to ensure impediments to competition are removed and competitive pressures are increased in the sector has not been implemented and will not be implemented prior to the 2020 election.

Albury City Council

Limitations of cost increases for local government elections

That Local Government NSW develops a policy which opposes the massive increases in election costs currently being experienced and lobbies the NSW Government to ensure any cost increases are kept to a minimum.

Note from Council

The conducting of Council elections has – up until recently – been able to be undertaken by an external provider or by the Council themselves (the General Manager). Recent changes to the Local Government Act have removed the ability for Councils to conduct and administer their own elections, further limiting the options and competition with regard to providers. This loss of choice has the potential to result in significantly higher pricing from the external providers.

Coupled with this, the IPART's current review of local government election costs also has the potential to result in significantly higher election costs for individual councils. If adopted, IPART's recommendations will result in further cost shifting to local government, at the direct expense of ratepayers and councils' ability to provide critical infrastructure. Further, the IPART review has failed to address other key issues that would result in more efficient elections and in turn reduced costs, such as reduced pre-polling duration, a move to postal or on-line voting and increased use of technology.

That:

- a) The stages of implementation for IPART's recommendations in its report regarding review of local government election costs be reversed, and the previously advised NSW Electoral Commission pricing regime for the 2020 elections be retained.
- b) The introduction of the major changes to NSW Electoral Commission's service delivery model be bought forward to reduce costs to councils for future local government elections.

Note from Council

Councils across the State allow for significant costs such as the 4 yearly election cycle to be addressed in the context of their long term financial plans.

IPART's draft report on the Review of Local Government Election Costs released on 25 June 2019 has recommendations that, if accepted by the Minister for Local Government, will need to be introduced in two stages:

Stage 1 - an adjustment to the allocation of costs for the 2020 elections, which would result in significantly higher costs being incurred by client councils

Stage 2 - the introduction of major changes to NSW Electoral Commission's (NSWEC's) service delivery model prior to the 2024 elections, which are intended to reduce costs to councils during future election periods.

Should the Stage 1 recommendations be implemented, the costs for the NSWEC to conduct the 2020 Hawkesbury City Council Local Government election would increase by \$224,000, an increase of 67% on the 2016 election. Most other councils would see similar increases.

The projected additional expenditure was not anticipated and will need to be addressed in the 2020/21 Operational Plan. Given the size of the increase and the lack of notice/consultation, many councils will have no alternative but to re-allocate funds from other programs or services. Therefore the implementation stages that underpin IPART's recommendations should be reversed, and the State Government should introduce efficiencies before passing on costs to councils.

Shoalhaven City Council**Local government election costs**

That in the face of the proposed increases to NSW local government election costs, the NSW Government reviews the electoral framework of local government in NSW and commits to funding the local government elections required to be conducted under that regime.

Note from Council

Following the Draft Report on Local Government Electoral Costs of the Independent Pricing and Regulatory Tribunal, councils have significant concerns about the cost and delivery framework of Local Government Elections.

The draft Report recommended an increase of between 8% and 306% on the election costs of previous elections to NSW councils. Such recommendations do not demonstrate/represent innovation or improvements in electoral practices, or greater assurance for the community in electoral processes.

A review of the electoral framework for NSW Local Government Elections is required on the basis that:

- NSW is the only state to allow non-electoral commission electoral management.
- The benefit of 'competitive' service arrangements has not been justified.
- The costs per Elector for Local Government Elections in NSW is greater than any other State or Territory in Australia (As confirmed by the IPART Panel at the Public Forum on 2 July 2019). Such a review is required to give assurance that best efforts are being made to reduce the cost of local government elections to ratepayers in NSW and to improve the results of future elections on democracy.

It should be recognised that the 'impactor' in terms of the proposed model of Election funding with respect to Local Government Elections is the NSW Government which establishes the legislative framework in which they are conducted and to which Councils cannot make change.

Armidale Regional Council**Increases in election charges by the NSW Electoral Commission**

That Local Government NSW lobbies the NSW Government to cover any increases in election charges by the NSW Electoral Commission.

Note from Council

The draft report 'IPART Review of local government election costs', dated June 2019 recommends a 62% increase in the charge to local councils from the NSW Electoral Commission for conducting local government elections. Councils in NSW are subject to severe financial constraints because of rate pegging and cost shifting and should not be expected to absorb even more cost shifting. If the NSW Government accepts the IPART recommendation, additional payments should be provided to councils to cover the increased costs.

Corporate governance

116 Port Stephens Council **Councillor induction and professional development costs**

That Local Government NSW requests the NSW Government fund ongoing councillor professional development costs.

Note from Council

In 2018, the Office of Local Government released new requirements for NSW councils to develop and implement ongoing councillor induction and professional development opportunities for all mayors and councillors.

To meet these requirements, councils needed to review the current costs for professional development opportunities, which resulted in an increase, and it is believed that the NSW Government should meet the costs as they are a direct result of the introduction of the new ongoing professional development requirements.

117 Moree Plains Shire Council **Remote attendance at council meetings**

That:

1. Council membership should be accessible to the broadest demographic possible.
2. Councillors be allowed to attend and participate from authorised facilities via video link in authorised locations remote from the council chambers.

Note from Council

That the State Government be requested to amend the *Local Government Act 1993* and Regulation to permit Councillors in rural and regional councils to attend Council meetings by video conferencing in circumstances where physical attendance would be difficult or unsafe, based on natural events, such as flooding, bushfire and the like, or where round distance travel would exceed 100kms.

118 Mosman Municipal Council **External audit coordination with internal audit**

That Local Government NSW calls on the NSW Auditor General to modify its auditing practices to reduce duplication between external and internal audits of councils and avoid unnecessary costs.

Note from Council

1. All NSW councils are now compelled to use the NSW Auditor General as their external auditor. In many councils, costs have increased substantially (up to 40%) and the level of control and service has reduced.
2. The NSW Auditor General has outsourced the great majority of audits to commercial auditors, but the Audit Office has not sufficiently defined or managed the scope of external audit having regard to Internal Audit, resulting in increased costs to Councils and 'scope creep'. There is no evidence of increased efficiencies in performing the external audits.
3. The NSW Auditor General and the NSW Government have both emphasised the importance of well-functioning Council Internal Audit functions and Council Audit, Risk and Improvement Committees (ARICs). Indeed councils are now required to have ARICs.
4. Apart from attendance at some or part of the ARIC meetings by the External Auditor, there is little evidence of a coordinated or collaborative approach to planning audits, undertaking audits, sharing data or reliance of findings by the External Audit Team.
5. The result: the effective functioning of Council Internal Audit is being compromised by outsourced external audits uncoordinated with Internal Audit.
6. Impacts include uncertainty regarding roles and responsibilities between the two functions particularly with audit planning, audit action follow up and validation of audit recommendations; and potential duplication of audit coverage and reports from both functions – and resultant costs to councils.

119 Western Sydney Regional Organisation of Councils Developing a DCOE to facilitate next generation of local government capabilities

That Local Government NSW advocates for the NSW Government to join with local government to initiate a project that will develop and offer for implementation, the next generation of “best practice” local government capabilities using digital technologies. For the purposes of this motion it is called a Digital Common Operating Environment (DCOE). Specifically, that:

1. A comprehensive suite of specifications be developed for a DCOE that would be appropriate for metropolitan, peri-urban and rural councils.
2. A pilot program be developed to trial the specifications in a representative sample of councils supported by funding from the NSW Government.
3. The NSW Government incentivises take-up of a successful DCOE model by local government by contributing to the capital costs of development and implementation.
4. A program be developed for a DCOE implementation on a council by council basis that incentivises early take up. The incentive would be a contribution from the NSW Government towards the capital costs to implement the DCOE as a priority.

Note from Council

Implementation of a Digital Common Operating Environment (DCOE) will make a substantial contribution to councils achieving higher levels of administrative, operational and financial efficiencies while improving service delivery and engagement with their local communities.

The opportunity takes the form of a special collaboration between State and local governments to develop a “next generation best practice digital operating environment” that would encompass all of those functions of a contemporary council, both front of house and back office; in the form of a DCOE.

The management of place, especially the public domain is gaining increasing prominence as to how we plan for and then operate our cities.

Local government being closest to “place” in terms of its services delivery would benefit from the development of more efficient, integrated and reliable internal systems that contribute to, and in some cases takes the lead in implementing a smart cities agenda.

The DCOE would deliver all the functions necessary of a contemporary council; i.e. planning, municipal operations, financial, administration, logistics management and structured to achieve the following outcomes:

- Greatly improved customer experiences across all service delivery.
- Enhanced community engagement including a better-informed community.
- More efficient use of council resources leading to financial and sustainability benefits.
- Reliable, accurate, systemic data collection and easily accessible storage making it more useful for guiding planning and operating decisions.
- Open access to data.
- Standardised reporting across all councils on key performance metrics.
- Customised reporting for specific critical stakeholders.
- Customised digital portals for key stakeholders.

120 Wagga Wagga City Council Resourcing Code of Conduct complaints

That Local Government NSW and member councils advocate for a greater investment of resources by the NSW Government into managing Code of Conduct complaints to ensure they are dealt with quickly, efficiently, and effectively.

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

Note from Council

Councillors throughout NSW have long expressed frustration at the time taken for Code of Conduct complaints to be handled. While a new Code of Conduct was introduced, it has little value if potential

breaches are not managed quickly, efficiently, and effectively. Concerns about breaches not being reported due to little to no faith in the process due to time and costs, is concerning, but also understandable.

Lane Cove Council

Code of Conduct size comparison – State vs local

That Local Government NSW calls on the State Government to provide an explanation of the discrepancy in size between the Code of Conduct for Local Government Councillors in comparison to that of State Government Parliamentarians.

Note from Council

In this resolution Council is seeking additional information to explain why the Code of Conduct for NSW Members of Parliament is smaller in size than the Code of Conduct for Councillors.

121 Orange City Council

Review of Code of Conduct

That Local Government NSW calls on the Minister for Local Government to conduct an independent review and audit of all NSW councils' processes and procedures around the implementation of the Code of Conduct policy and provisions.

Note from Council

Orange City Council has concerns about the uniform implementation of the Code of Conduct provisions across all NSW councils and therefore seeks immediate and independent review and audit of councils' processes and procedures around Code of Conduct complaints. The Minister for Local Government in the last two terms of Government had made an undertaking to conduct this review but to date a review has not been undertaken.

122 Shellharbour City Council

Model Code of Conduct for councillors

That Local Government NSW lobbies the NSW Minister for Local Government to have the provisions in the Model Code of Conduct for councillors on gifts and benefits amended so that the token value for gifts and benefits on gifts and benefits valuation of \$50 be removed and replaced with the provisions outlined in section 3 "Gifts" in the Code of Conduct for Members adopted 7 May 2019.

Note from Council

The NSW Government has introduced the Model Code of Conduct for Councillors which was adopted by Council on 24 April 2019. The Code includes new provisions on gifts and benefits, which limits the value of gifts and benefits received to a maximum of \$50 from a single person or organisation within a 12 month period.

The Code of Conduct for Members adopted 7 May 2019 applies to all NSW Members of Parliament. There is no prescribed limit for Gifts and Benefits in the Code of Conduct for Members however, it is guided by Part 3 of the Constitution (Disclosures by Members) Regulation 1983, section 10 "Gifts".

The gift and benefit provisions in the Code of Conduct for Councillors presents significant issues for Mayors and Councillors who are invited to attend functions and events exceeding the current \$50 limit, at which functions and events they connect with community groups and members that they are elected to represent. Not attending these functions and events would disadvantage the community from being able to connect and reach out to their elected representatives. In a lot of cases, these functions and events are attended by local Members of Parliament under an invitation of similar circumstances.

123 MidCoast Council

Returns of interest disclosures

That Local Government NSW:

1. Strongly objects to the requirement for Returns of Interest Disclosures being published on any website as proposed by Information Privacy Commissioner's draft Guideline.
2. Urges relevant authorities including but not limited to the Office of Local Government/IPC and Ministers to reverse the Information Privacy Commissioner's requirement to publish Returns of interest Disclosure on any website and ask the Premier to intervene for the protection and safety of councillors and staff.

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

Note from Council

MidCoast Council recognises that Returns of Councillors and Designated Persons are Open Access Information and supports the ready availability of such information to the public free of charge. It does not, however, support the requirement that the Returns be published on any website.

MidCoast Council seeks support from LGNSW to strongly object to the requirement for Returns of Interest Disclosures being published on any website as proposed by the Information Privacy Commissioner's draft Guideline 1: For local councils on the disclosure of information contained in returns of interest of councillors and designated persons under the *Government Information (Public Access) Act 2009*.

Hornsby Shire Council

Written returns of councillors and designated persons on council websites

That Local Government NSW makes representation to the Information and Privacy Commission (IPC) objecting to the IPC's proposed amendment to its Guideline 1 which will require councils to disclose the Written Returns of Designated Persons on their websites and proposes that the current practice of Returns being available upon request be maintained.

Note from Council

The Returns of Councillors and Designated Persons are classified as Open Access Information under the Government Information (Public Access) (GIPA) Act, meaning they must be readily available to members of the public free of charge. Currently, a common practice amongst councils is to provide access to the Returns in a timely manner as and when a request to view a Return is received.

Recent advice from the IPC proposes to amend its Guideline in respect of the accessibility of the Returns such that councils would be required to publish the Returns on their website. This proposal is considered inappropriate, and should be countered, for the following reasons:

- The previous version of Guideline 1, i.e. requiring access to the Returns at a Council office and/or on request, but not on a Council's website, has, in Council's view, historically operated very satisfactorily. There appears to be no compelling reason to change the approach.
- The protection of privacy and the significant amount of personal information contained within the Returns must be given thorough consideration and full and proper protection as is the right of every individual, in accordance with the *Privacy and Personal Information Protection Act (PPIPA)*. Although provision is made for the redaction of personal information prior to exhibition on a council's website, to do so for each single Return (as would necessarily be required) would:
 - a) Require an unreasonable allocation of council's staff resources.
 - b) Result in essentially meaningless Returns being published on the internet.
 - c) Result in confusion, as each Return would need to have two versions stored in Council's records management systems.
- The availability of the personal information contained within the Returns to such broad scrutiny, and potential fishing expeditions, personal vendetta and identity theft via the broad medium of Google search, in order to "facilitate" the minimal number of genuine requests received, would appear to be unbalanced and a misrepresentation of the needs of the public majority. It would also appear to be inconsistent with the purposes for such information being collected by local councils – which is to promote openness and accountability for those involved in decision making processes on local issues.

It is noted that a joint submission from the Local Government Professionals Australia (LGPA) NSW Governance Network Group members opposing the amended Guideline has been forwarded to the IPC. Hornsby Council had input to such submission.

Bayside Council

Publishing returns of interests of councillors and designated persons

That Local Government NSW lobbies the Information and Privacy Commissioner to retain the current practice of not placing on a council's website 'Returns of the Interests of Councillors, Designated Persons and Delegates' by administrative guideline or legislative amendment.

Note from Council

The Information & Privacy Commissioner is proposing to amend the GIPA 'Guideline 1 - For Local Councils on the disclosure of information (returns disclosing the interest of councillors and designated persons)' to a default position that would make the returns available on a council's website. Previously the practice was that the returns were not required to be placed on councils' websites but were to be available for public inspection at council offices. There are significant privacy implications in making these available on a website particularly given the significant level of personal information and risk of identity fraud.

CATEGORY 2 MOTIONS

Motions in this section are not proposed for debate because they are already:

- existing LGNSW policy;
- supported by Conference resolutions from recent years; and/or
- the subject of recent or ongoing representations by LGNSW.

LGNSW will use the the content of these motions to strengthen our position on these issues.

1. ECONOMIC

X1 Griffith City Council

Council pensioner rates and charges subsidies

That Local Government NSW lobbies the NSW Government to increase pensioner rates and charges concessions and to increase the percentage rebate to councils in relation to these pensioner concessions.

Note from Council

Section 575(3) of the *Local Government Act 1993* determines the maximum \$ amount that rates and charges may be reduced each year for pensioners. In particular, for general rates and domestic waste charges the maximum reduction is \$250.

For water supply special rates or charges, the maximum reduction is \$87.50 and for sewerage special rates or charges, the maximum reduction is \$87.50. Councils are required to subsidise 45% of the reduction in these rates and charges. The \$ amount of the maximum reductions or concessions in relation to pensioner rates and charges have not changed since 2001 or earlier. Clearly the benefit in real terms to pensioners of the concessions has decreased significantly during that time and should therefore be increased. Further, the percentage of the rebate reimbursed by the State Government to councils (i.e. 55%) should be increased.

X2 Ryde City Council

Pensioner concessions on council rates and charges

That:

1. Local Government NSW lobbies the NSW Government to wholly fund pensioner concessions on council rates and charges, and
2. The \$250 concession be revised to a higher amount, and indexed annually.

Note from Council

Under the *Local Government Act 1993*, eligible pensioners are provided concessions on their ordinary rates and domestic waste management services charge.

The Cost of providing these concessions is shared between the State Government (55%) and local councils (45%).

In all other States, the cost of providing pensioner rebates is met wholly by the State Government. Further, the \$250 concession is fixed and has been for decades.

X3 Murray River Council

Electricity and gas charges

That Local Government NSW requests urgent action by the State and Federal Governments to reduce unsustainable and excessive electricity and gas charges on local government, business, industry and individual consumers.

Note from Council

Electricity and gas charges have skyrocketed since July 2017. In June 2018, the Australian Competition and Consumer Commission released its Retail Electricity Pricing Inquiry Final Report on electricity prices. It found that the major causes of excessive price rises include: poor regulation of excessive spending by electricity suppliers; inappropriate reliability standards that failed to take account of community interests; concentration of markets leading to lack of competition; poorly designed renewable energy schemes which have now ended; and, confusing price structures offered by retailers. The Report identified a lack of regard for community interest within the electricity market which engaged in extensive price gouging knowing that electricity is an essential service and the consumer would be forced to pay. The price of energy is impacting the lives of all Australians, particularly those with limited incomes. Businesses are being strangled with the escalation of electricity and gas prices. Australia has abundant natural energy resources but State and Federal Government policy settings are not taking any benefit of our competitive advantage. Murray River Council urges LGNSW member councils to endorse a motion to lobby State and Federal Governments to put downward pressure on electricity and gas charges.

X4 Fairfield City Council

Review fee for the collection of the Long Service Levy

That Local Government NSW advocates to the NSW Government and Long Service Corporation for a review of the council administration fee for collecting the Long Service Levy.

Note from Council

Building and Construction Industry Long Service Payments Act 1986 No 19 established a levy on building and construction work costing \$25,000 and above in NSW. The Levy provides an important function for the building and construction

industry. The levy is paid into a fund administered by the Long Service Corporation who makes long service payments to building and construction workers. The current levy rate is 0.35 % of the value of building and construction works costing \$25,000 or more. The Levy is payable online, at local councils or direct to the Corporation.

Councils collect a small fee which has not been reviewed for decades. Several councils have opted out of collecting the Levy due to the administrative costs involved. The Levy provides an important function for the building and construction industry. The council fee for collecting the Levy does not cover the administrative cost involved in collecting the Levy. A review of the council fee is required.

X5 Federation Council

Independent Review Panel recommendations

That the NSW Government more urgently responds to the many un-actioned recommendations in the 2015 Independent Local Government Review panel Final Report, aimed at further strengthening the system of local government in NSW.

Note from Council

Further consideration of Recommendations from Independent Local Government Review Panel report. The State Government response to the 2014 Independent Local Government Review panel and the Local Government Act Taskforce recommendations was produced in October 2014. It requires an update. Whilst many are being actioned and worked on in other means, such as IPART reports, areas such as recommendation 8, to improve the Financial Assistance Grant distributions to reallocate to councils more in need, have not been actioned. Recommendation 37 to develop closer relationships between State Agencies and JOs also has not been fully developed, whilst acknowledging the Department of Premier and Cabinet, and the new State Government cluster alignments, are seen as a positive for improving State Agency/Cluster and Local Government collaborations. Recommendation 39 on the possibility of establishing Community Boards in areas where there is limited Councillor representation could also be considered further.

X6 Bourke Shire Council

Expansion of zonal taxation

That the Federal Government be asked to look at the expansion of zonal taxation in rural and remote areas of Australia as a means of encouraging and increasing investment to ensure the ongoing development of these areas, and at the same time, providing additional incentives to assist with the attraction and retention of staff.

Note from Council

This matter has been the subject of debate over the years and the possible development and introduction of economic zones needs to be considered. The lack of development and investment in rural and remote Australia has been part of the catalyst for shrinking population in many rural communities which in turn impacts on the social amenity of many towns.

There has to be an effective strategy put in place to stop the drift of population to the eastern seaboard and see the re-establishment of a strong economic base in these areas which have historically contributed significantly to the state's economy.

X7 Moree Plains Shire Council

Taxation benefits applicable to primary producers

That the NSW Government be requested to lobby the Federal Government to introduce taxation benefits applicable to primary producers available to rural and remote small business whose majority of turnover is from the primary producer sector.

Note from Council

The recovery from any drought is always longer than the drought in rural communities because skilled and semi-skilled labour is lost. Families that relocate due to down turn or loss of employment do not return when the rains return. It is imperative that this skilled labour is retained in rural communities during a drought. This can be achieved, if small business is allowed to put aside income, tax free, as rural producers are permitted and access those funds in financially difficult times.

X8 Inner West Council

Supporting local businesses in strip shopping centres

That Local Government NSW seeks to support core local businesses in shopping strips such as greengrocers, butchers, bakeries, chemists and the like to ensure the viability of independent small retailers and of main street shopping centres. Issues that may be discussed could include rebates for cheaper rentals to property owners or similar.

Note from Council

Strip shopping centres play a vital role in the community life in suburbs and towns across NSW. They are the places that people meet, they can often be accessed by walking or riding a bicycle, and importantly have traditionally been the place where independent retailers have been able to establish businesses in the communities they live in. The impact of major car based shopping centres and the growing impact of housing has squeezed returns and increased rents, reducing consumer choice and undermining innovation that can be supported by diverse and vibrant shopping strips.

X9 Bega Valley Shire Council

NSW business investment incentives

That Local Government NSW advocates to the NSW Government to implement business incentives to attract businesses out of metropolitan NSW and other jurisdictions to regional NSW and grow already existing local businesses. These incentives could include removal of stamp duty costs for property purchases, discussion around payroll tax, financial incentives for the employment of a set amount of local employees in line with a commitment to decentralisation to assist regional NSW to grow.

Note from Council

Other States and Territories have incentives in place to attract businesses to their jurisdictions, often at the expense of economic activity within NSW. NSW should be competing to attract businesses to NSW as well as retaining businesses looking to relocate from Metropolitan areas of NSW due to urbanisation pressure and to also look at how we can make it viable and attractive to move businesses into regional areas.

X10 Bega Valley Shire Council

Tourism rating

That Local Government NSW advocates to the NSW Government through the Minister for Local Government to expand rating categories to include a tourism category to capture those businesses directly involved in tourism or alternatively to allow those local councils impacted by tourism to attach a special levy to those properties directly involved in tourism.

Note from Council

Many councils benefit from the tourism industry, however there is an impact to ensure that infrastructure is available for residents and tourists alike and the ongoing marketing and promotion of the Shire is required to ensure that industry is supported to the benefit of the wider community. At present councils are unable to apply a rate specifically to those properties that benefit from the marketing and promotion and any special variation for tourism purposes is either to a rating category or across the board. This would allow councils better flexibility to assist the tourism industry and cater for residents and tourists alike.

X11 Ryde City Council

Financial hardship - flexibility to assist with rates

That Local Government NSW advocates for a change in the *Local Government Act* to allow councils to have more flexibility with the collection of rates where cases of genuine financial hardship have been established.

Note from Council

Under the *Local Government Act*, it is prohibited for councils to modify or waive the amount of rates we collect. In circumstances where genuine financial hardship has been established, councils should have the flexibility to work with these types of ratepayers and, where appropriate, waive rates from time to time.

X12 Bega Valley Shire Council

An improved rating model

That Local Government NSW advocates to the NSW Government to change the rate peg model to allow councils to generate revenue required to meet community service expectations as identified through the Integrated Planning and Reporting Framework.

Note from Council

The IPART rating review has now been released and there are several recommendations in that report which would give councils and their communities more flexibility in determining the services they require for the future. Disappointingly, the review does not include in its recommendations a simplified process for aligning rates income with community service expectations which is at the core of Integrated Planning and Reporting. This still requires resource intense special rate variation application processes to be followed to align income with service expectations. IPART recommends rating based on capital improved valuations (CIV) as a solution to increasing income to match service needs however this will not provide a solution to communities that do not have increasing CIVs.

X13 Hornsby Shire Council

Differential residential rates

That Local Government NSW advocates that the NSW Government provides councils with more flexibility to set differential residential rates in their local area and differential rating categories for higher density residential zones, including the establishment of:

- a) New rating category for multi-unit apartments.
- b) Different residential rates for low density, strata titled medium and high-density housing.

Note from Council

Giving councils more flexibility to set differential residential rates within their local area will allow residential rates for low density and strata titled medium or high-density housing to more equitably align with demand for local government services with the actual rates charged and capacity to pay. The current valuation of multi-units for rating is not equitable or sustainable. Councils' ability to implement sustainable and equitable fiscal policy has to be enhanced in the context of increasing housing targets and population growth. The Independent Local Government Review Panel (Revitalising Local Government, October 2013) found owners of apartments worth millions of dollars pay less in rates and all or most owners of apartments may pay the same minimum council rate irrespective of their differing property market value.

IPART's Report (Review of the Local Government Rating System, 2016) proposed that councils should have the option to set different residential rates within their local areas in order that they could consider differences in access to, demand for, and the cost of, providing services across their residential ratepayer base. Allowing councils to set different residential rates is consistent with practices in other jurisdictions. For example, councils in Queensland can determine different residential rates based on land use, access to or consumption of council services. If a person lives in a townhouse or unit complex, the council in Queensland will levy their general or differential general rate on the portion of the valuation allocated according to their interest schedule of lot entitlement or, alternatively, may be charged the minimum general rate set by council. A council may levy a different rate in the dollar for each category.

X14 Narromine Shire Council

Improved capital valuation rating

That councils oppose the introduction of improved capital valuation rating method for councils in rural NSW.

Note from Council

The NSW Government asked the Independent Pricing and Regulatory Tribunal (IPART) to review the local government rating system in NSW. The report looked at best practice in other Australian states and territories and New Zealand. IPART released its final report in December 2016.

IPART's recommendation is to use the Capital Improved Value (CIV) valuation method to levy local council rates. Mandating CIV as the basis for setting rates in metropolitan council areas, providing non-metropolitan councils the choice of CIV and UV at the rating category level (#1 - #4).

2. INFRASTRUCTURE AND PLANNING

X15 Nambucca Shire Council

Control of group homes

That Local Government NSW seeks an amendment to the definition of a transitional group home in the *State Environmental Planning Policy (Affordable Rental Housing) 2009* wherein there is a requirement that they provide appropriate supervision and care for the persons who occupy the transitional group home.

Note from Council

It is accepted that councils have an obligation to support group homes in their communities as a means of providing affordable housing for people who have a disability or for people who are socially disadvantaged. However there is no legal requirement for care of residents in transitional group homes who may be undertaking difficult transitions from drug or alcohol dependencies. These transitions can give rise to concerning or anti-social behaviour. In the interests of the welfare and rehabilitation of the residents of the transitional group home and the amenity of surrounding residents there should be some requirement for the provision of appropriate supervision and care for the persons occupying the transitional group home.

X16 City of Parramatta Council

Shared use of schools as infrastructure assets

That:

1. Local Government NSW advocates to the NSW Government on greater co-operation between NSW councils and NSW schools for the shared use of existing community infrastructure. Substantial population growth and concurrent residential and commercial development is highlighting major infrastructure gaps, especially around the provision of community, open space and recreational assets.
2. This Local Government NSW advocacy on shared use of school assets seeks to include opportunities that:
 - a) Extend community centre programming and services (both temporary and permanently where the community need exists).
 - b) Extend access to aquatic offerings for community use.
 - c) Extend access to indoor and outdoor recreation facilities for community use.
 - d) Expand the take up by schools of the Share Our Space program that School Infrastructure trialled in the July 2019 school holidays.

Note from Council

City of Parramatta continues to experience rapid growth and change. By 2036, our population will reach 466,000, and 70% of these people will live in high-density dwellings. Using historical approaches to the planning and delivery of community infrastructure for the City of Parramatta simply will not work to meet the challenges posed by future population growth. There is growing evidence on the best ways to provide community infrastructure and innovative approaches include ways to get the most out of existing assets, and making better use of assets that may be underutilised.

Sharing the use of existing community infrastructure has significant potential to maximise the use and efficiency of a variety of spaces and buildings for community benefit. Sharing existing space may decrease the need to build new facilities that replicate already existing infrastructure, making assets work harder for the benefit of all.

City of Parramatta Council recognises that schools are primarily for educating children and young people, however there are many times when school facilities are not in use. As valuable community assets, they should be available for community use, when not required for school purposes.

The NSW Government would benefit from community use of school facilities through:

- Enhanced co-operation and goodwill between the school and the community
- Better access for communities and schools to state-of-the-art and purpose built facilities
- More effective use of valuable school facilities
- Opportunities for the community to play a positive part in school security through out-of-hours use of facilities

Opportunities to maximise community use of non-council assets like schools, represents a practical and achievable action to increase access for the community to community facilities, sporting and passive open space and meet the gap in provision.

School Infrastructure trialled a program during the July 2019 school holidays that opened up school grounds for community use. School Principals could opt into the program, receiving assistance to deliver the program through the provision of funded security staff and cleaning services. While successful, the take up rate of schools is still quite low. The NSW Government could do more to ensure that more, if not all, schools participate in this program for the benefit of the whole community. More info on the program: schoolinfrastructure.nsw.gov.au/programs/share-our-space.html#content_sosp-faqs

X17 Inner West Council**Land rezoning**

That the NSW Government disallows councils from re-zoning land for which the full cost of local infrastructure will not be met from developer contributions.

Note from Council

There are significant costs associated with increased residential development to core infrastructure, and it can be the case that the flow on costs of re-zoning are not met by developer contributions, thus accruing a direct financial cost to Council and residents, and the lost opportunity to spend money on other important services. The NSW Government should not allow Councils to approve re-zonings that will have a direct cost to Council.

X18 Hawkesbury City Council**IPART data sources for Development Control Plans**

That the NSW Government puts arrangements in place to:

- a) Clarify the relationship between the various participants, the Greater Sydney Commission, the Department of Planning Industry and Environment and their plans and objectives for the future.
- b) Ensure that IPART will reveal the source of data used to assess Developer Contribution Plans submitted by councils for approval.
- c) Make such data freely available for public access and scrutiny.

Note from Council

In recent times the NSW Government has initiated a number of changes to the manner in which urban areas are planned and developed, including tasking IPART with the responsibility for reviewing and approving Developer Contribution Plans.

Based on recent experiences councils are now in a position to identify a number of issues that need to be addressed to enhance the process going forward. These include:

- a) The need to clarify the relationship between the various participants, the Greater Sydney Commission, the Department of Planning Industry and Environment and their plans and objectives for the future.
- b) The need to have a consistent and transparent source of data to inform various plans as it is unclear what data is used in IPART's assessment process.
- c) The need to avoid overlaps and gaps between the various bodies and their activities.

In a recent example, wherein IPART assessed a Developer Contribution Plan, the Department of Planning, NSW Treasury and the Council, all relied upon land valuation data provided by the NSW Valuer General. As part of IPART's assessment the land valuations were set at a much lower rate than that assessed by the NSW Valuer General and it is unclear what data was utilised to inform IPART valuation figures, or how they were calculated. Similar questions arise about traffic and transport assumptions that underpin the road hierarchies proposed within IPART's assessments.

It is believed that in an attempt to streamline planning, the NSW Government has now introduced too many complications and competing bodies into the process.

X19 Bayside Council**Building regulations framework review**

That Local Government NSW lobbies the NSW Government and the NSW Building Commission to:

1. Ensure a comprehensive review is undertaken of the building certification regime by the NSW Building Commission;
2. Examine the impact of the escalating public liability insurance premiums on the industry;
3. Introduce mandatory quality assurance measures for private certifiers particular in relation to defined large scale developments;
4. Include appropriate local government industry representation on the NSW Building Professionals Board.

Note from Council

The NSW Government commenced a review of the Building Professionals Act 2005 in 2014. The review resulted in the Building and Development Certifiers Bill 2018. On 29 October 2018 Bayside Council responded to the NSW Fair Trading regarding the 'Improving Certifiers Independence Option Paper'. Council's response recommended: "That a mandatory review process be introduced at the construction certificate stage, critical stage inspections and before the issue of occupation certificate, and that a certificate of compliance be obtained from Council certifying that the 'private certifier' has, complied with the requirements of the consent and building codes and the occupation certificate can be released. This provides an independent review of the application and ensures that no occupation certificate is released before the building is complete and fit for habitation."

A second concern is that there is no adequate consumer protection for people in high density residential developments. The removal of the requirement for Home Warranty Insurance for high rise residential buildings saved the developers money at the time of construction, but burdens the future owners when defects are not rectified, or when the developer is no longer solvent or contactable. The need to be a licenced builder to build a high rise building was also removed. An associated concern is that the control of building trades is not as rigorous as when the Building Services Corporation (BSC) existed. As well as providing insurance for poor workmanship, the BSC inspectors would cancel or restrict trade and builder's licenses if building defects or poor workmanship were not rectified. This monitoring role facilitated a high standard of building. The NSW Government should re-instate home warranty insurance for any development that contains high density residential to ensure that the home owners are protected against building defects.

X20 Lane Cove Council**Roads and Maritime Services Pinch Point Program expansion**

That Local Government NSW advocates to the NSW Government to expand the Roads and Maritime Service Pinch Point program to extend it to intersections and identified pinch points that cross both State roads and regional roads.

Note from Council

The NSW Government has committed over \$825 M to fixing pinch points across Sydney's road network. The Pinch Point Program aims to reduce traffic delays, manage congestion and improve travel times on Sydney's major roads, particularly during weekday peak periods.

The Burns Bay Road/Penrose Street intersection has been identified as a main pinch point in the local road network as it is subject to congestion and delayed travel times during peak hours. This intersection provides a connection between two (2) major road corridors that run through the Lane Cove Local Government Area (LGA).

X21 Hornsby Shire Council**Enhance Roads to Recovery Program funding**

That Local Government NSW lobbies the NSW Government to advocate that the Federal Government increases the Roads to Recovery Program funding for NSW and the States; and enhances its funding formula to better reflect the projected population growth.

Note from Council

The Federal Roads to Recovery Program supports the maintenance of the local road infrastructure. Roads to Recovery Program allocations for the councils in each jurisdiction (except the ACT) have been determined on the basis of the recommendations of the Local Government Grants Commissions in each state and the Northern Territory for the roads component of the Financial Assistance Grants. Under the Roads to Recovery Program, direct funding to local councils is distributed according to a formula based on population and road length set by the Local Government Grants Commissions in each state and the Northern Territory. Each council's Roads to Recovery allocation is fixed for the life of the Program. Untied grants for local roads are part of annual financial assistance grants to councils.

As growth is projected and expected, this will impact on local road infrastructure. Funding formula to better reflect the projected growth and increase in funding will enable councils to plan and prepare for growth.

X22 Narrabri Shire Council**Sydney Airport regional slot increase**

That Local Government NSW:

1. Strongly supports an increase of an additional 5 slots per hour at the Sydney Airport.
2. Strongly supports the ring-fencing of 3 of the additional five (5) slots being added to the pool of regional slots.
3. Would preferably see these additional three (3) slots offered to regional based airlines first.

Note from Council

This is not a new issue, you could describe this issue as being a political hot potato. Nonetheless Narrabri Shire Council would like to put forward a solution that it believes would be acceptable to all parties involved.

We believe that an additional five (5) slots per hour – with three (3) of these slots being ring fenced for regional air routes is a viable solution for current restricted regional access to Sydney Airport.

The addition of three (3) regional slots would greatly assist regional access to Sydney and beyond bringing growth in both commerce, economic development and tourism to NSW regions.

Narrabri Shire acknowledges the commercial operation that is Sydney Airport and sees the additional two (2) slots per hour being made available as higher revenue yielding slots for the Sydney Airport.

It is on the above basis that Narrabri Shire Council puts forward this potential solution.

We acknowledge that the legislation that governs slot allocations at Sydney Airport is Federal legislation, regardless this issue remains and the best solutions often come from the ground up not the top down.

X23 Leeton Shire Council**Water security in regional NSW**

That Local Government NSW lobbies the NSW Government to:

- a) Actively ensure that the delivery of the Murray Darling Basin Plan is not achieved at the cost of local communities and their economies, and that early and specific engagement is routinely undertaken with local councils where their areas are impacted by proposed new or proposed changed policies and plans.
- b) Advocate that the Commonwealth moves to address adverse impacts of water trading on the sustainability of irrigation communities and considers options for preventing, mitigating and/or better managing these effects going forward.

Note from Council

Australia is a dry country and every drop of water counts. When it comes to water for irrigated agriculture, a mega litre released from the dam should aim to realise a mega litre on the farm. An unregulated water trading market has developed since water was separated from land around 1995. The current lack of transparency and loose operation surrounding the sale and purchase of water are concerning and make it practically impossible for rural communities with water dependent economies to effectively navigate and plan their desired futures.

It is recommended that the NSW Government engages meaningfully with the ACCC Inquiry into water trading that is underway and supports the call from communities for a transparent National Water Trading Platform which will serve as a single source of information on water, from allocations through to sales. Further, in regards the larger water holders (such as any person or entity that owns more than 10% of available entitlements), regular disclosure statements should be a legal requirement. Finally, the NSW Government needs to recognise and properly evaluate the compounding effects of an unregulated water trading environment and the implementation of the Murray Darling Basin Plan on the viability and sustainability of established nation building irrigation schemes that would be unaffordable to replicate today and considers how these should be optimised to ensure the most responsible use of available water for agricultural endeavour. In particular, the advantages of a diversified agricultural sector within established irrigation systems to GDP, with its associated local economic and community resilience, should be weighed up against the risk of shifting water to monoculture-based 'high value' crops on greenfield (cheaper) lands downstream of the established irrigation schemes.

X24 Greater Hume Shire Council

Tying water rights to land title

That Conference supports the concept that water is a basic, fundamental and essential utility and that Local Government NSW urgently lobbies the NSW Government to reverse the decision to remove water rights from land title to ensure the economic and social sustainability of rural communities.

Note from Council

Basically the object of the *Water Management Act (WMA) 2000* was to create an environment where water was valued and provide for the orderly, efficient and equitable sharing of water from water sources. Prior to the introduction of the *Water Management Act 2000* water rights were tied to land which was the wealth of the country.

The severance of water from land has transferred wealth from rural areas in many cases into the hands of private conglomerates and superannuation funds, some even off shore. This has resulted in significant increases in the price of water resulting in some food producing agricultural industries becoming uneconomic (e.g. dairy industry).

Further substantial water holdings are held by the Commonwealth.

This policy has been an abject failure and devastated rural communities where water has been removed permanently. A reversal of this very damaging policy position is essential to return economic stability to many rural areas in NSW.

X25 North Sydney Council

Review of building certification process

That the NSW Government undertakes a review of the building certification process and undertakes necessary and urgent reforms to a system that is clearly not working.

Note from Council

As evidenced in recent building failures, such as the Opal Tower and Mascot Towers.

X26 Inner West Council

BASIX

That BASIX be maintained as a minimum standard for assessment in the construction or renovation of buildings, but that each local government area be able to amend the BASIX formula to lift the environmental performance of new buildings or renovations of existing structures where the cost of renovations exceeds \$100,000.

Note from Council

The introduction of the BASIX tool lifted environmental standards in construction across NSW when introduced in 2004, however as it operates as a maximum required standard it reduced the standards that some local government areas had established. In light of the deepening climate change crisis local government is best placed, following consultation with its community, to extend BASIX compliance to help meet the challenges of this crisis, and to help make homes and businesses more energy efficient and liveable.

X27 Armidale Regional Council

BASIX standards

That Local Government NSW:

1. Supports the NSW Government Inquiry into building regulation and uses the opportunity to lobby for effective BASIX standards to improve energy and water efficiency, and the impact of new buildings on the climate, especially in colder areas which suffer from unhealthy particulate pollution in winter and for which current BASIX standards are inadequate.
2. Lobbies for the provision of funds to upgrade existing buildings to a satisfactory standard when the benefits greatly exceed the cost of upgrading.

Note from Council

Several NSW councils have expressed concerns about global warming or even declared a climate emergency.

One way to mitigate and adapt to global warming is to make new buildings energy and water efficient.

This will make them more comfortable and reduce the cost to the occupants of heating, cooling and water, especially in regional areas currently affected by droughts, and those with higher heating or cooling costs than the Sydney Metropolitan Area.

X28 Randwick City Council **Roles and responsibilities of regulators for building standards and quality**

That the NSW Government support recommendations 5 to 7 of the 2018 Shergold Weir report 'Building Confidence' addressing the roles and responsibilities of regulators, being:

- a) That each state establishes formal mechanisms for a more collaborative and effective partnership between those with responsibility for regulatory oversight, including relevant state government bodies, local governments and private building surveyors (if they have an enforcement role).
- b) That each jurisdiction gives regulators a broad suite of powers to monitor buildings and building work so that, as necessary, they can take strong compliance and enforcement action.
- c) That each jurisdiction makes public its audit strategy for regulatory oversight of the construction of Commercial buildings, with annual reporting on audit findings and outcomes.

Note from Council

Recommendations 5 to 7 of the Shergold Weir report address the roles and responsibilities of regulators for the building and construction industry. The Shergold Weir report notes:

- For there to be effective regulatory oversight, all authorities and private building surveyors with enforcement powers need to collaborate closely on the performance of their functions, the timing and nature of referrals, and the sharing of information.
- Audits of cladding on high-rise buildings have raised wider questions about whether authorities have the necessary powers to require rectification, recall products or issue warnings about products.
- Proactive auditing is imperative to restore public trust. Governments need to be able to detect and regulate inadequate practices. A strategy for the proactive auditing of the construction of Commercial buildings is required in each jurisdiction.

X29 Lake Macquarie City Council **Improving building and construction industry regulation**

That Local Government NSW calls on the State Government to implement in full the recommendations of the 2018 'Building Confidence: Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia' report by Peter Shergold and Bronwyn Weir.

Note from Council

The Shergold-Weir report presents a long overdue guide to much needed reform of Australia's building regulatory system. Modernisation of the system is crucial if the Australian public is to retain confidence that the built environment in which they live, work and play is safe and compliant with standards all Australians are entitled to expect. Lake Macquarie City Council advocates a consistent national approach to building regulation in place of the piecemeal jurisdictional approach currently in place. It is particularly noteworthy that in the commissioning of the Shergold-Weir report, a national approach to examining Australia's building regulation system has been adopted, rather than previous approaches that have focused on individual jurisdictions.

The State Government is continuing to progress reforms to the building and construction sector.

Adopting all measures outlined in the Shergold-Weir report will improve accountability of all persons involved in the building construction process that will increase protection for home owners and residents.

3. INDUSTRIAL**X30 Lake Macquarie City Council** **Supporting councils to provide councillor superannuation**

That:

- a) Individual councils consider taking action under existing arrangements to provide superannuation to mayors and councillors,
- b) Local Government NSW encourages and supports councils in taking coordinated action to provide superannuation to mayors and councillors, and
- c) Local Government NSW re-engages with the NSW Government to actively lobby for legislative amendment to require compulsory superannuation for mayors and councillors.

Note from Council

Councillor remuneration is an important element in ensuring NSW councils can attract quality candidates and should reflect the workload and accountability of elected representatives. NSW councils are disadvantaged compared to other Australian jurisdictions, as mayors and councillors are not entitled to compulsory superannuation contributions. LGNSW's Policy Platform commits to advocating for legislative amendments to require compulsory superannuation for mayors and councillors at an equivalent rate to that set out in the *Superannuation Guarantee (Administration) Act 1992* (Cth). The NSW Government has not taken action on such legislative amendments.

There are existing ways that individual councils may consider providing superannuation to councillors, to highlight the importance of this issue. Councillors wishing to make concessional contributions to their superannuation fund may enter into an arrangement with a council under which they agree to forego part of their remuneration in exchange for the council making contributions to a complying superannuation fund on their behalf on a pre-tax basis. Councils may also consider a unanimous resolution pursuant to section 12-45(1)(e) and 446-1(1)(a) in Schedule 1 of the *Taxation Administration Act 1953* that remuneration of its councillors will be subject to withholding under Part 2-5 of the Act, which has a range of implications including for superannuation.

These arrangements do not reflect the superannuation entitlements expected by the broader community. The legislated guarantee applies to the private sector, not-for-profit and Government-related roles and remunerated board roles, while state and federal politicians receive retirement entitlements. Superannuation for mayors and councillors would ensure NSW councils are consistent with community expectations.

4. ENVIRONMENTAL POLICY

X31 Liverpool City Council

Shopping trolleys

That Local Government NSW calls upon the State Government to change the necessary legislation (*Impounding Act 1993*) to recognise shopping trolleys as property of individual supermarkets and abandoned shopping trolleys to be defined as litter, so that substantial fines payable by the owner of the trolleys be passed on for any abandoned trolleys. The legislation be reviewed to enable councils similar powers to that in Queensland so that councils can more effectively manage abandoned shopping trolleys.

Note from Council

Shopping trolleys abandoned in streets, parks and recreational areas including those dumped into creeks and rivers are a major problem for councils across Australia.

councils request the NSW government review the legislation pertaining to illegally dumped shopping trolleys, in particular the *Impounding Act 1993*. Under Section 15 of the *Impounding Act 1993*, Council may impound abandoned shopping trolleys and charge impounding fees to the trolley provider. Council believes that this legislation should be reviewed to adopt a more preventative approach to illegally dumped shopping trolleys.

In 2013, Ipswich City Council was able to introduce a new local law requiring supermarkets and retailers to install a shopping trolley wheel lock containment system if their store owns at least 20 trolleys. The same would apply to any retailer that receives two or more infringement notices for illegally dumped trolleys within a 12 month period. Retailers who fail to comply with the Council's law face fines of up to \$5,500. Ipswich City Council's efforts have been hailed a success with illegally dumped shopping trolleys now a rare sight in Ipswich. Councils in NSW would like to follow Ipswich City Council's example and be able to require local retailers to take responsibility for the whereabouts of their shopping trolleys.

Councils request changes be made to the *Impounding Act 1993* to give expanded power to Councils in relation to shopping trolleys. Current enforcement powers, under various legislation, are not effective to prevent a proliferation of shopping trolleys on public land, largely because it is only possible to issue a fine to the person that abandons a trolley. This is impractical and near impossible to enforce.

Councils are requesting changes be made to enable designated officers to take enforcement action (issue fines) against the owners of shopping trolleys on public land. In almost all cases the owner of the shopping trolley has their brand clearly identified on the trolley.

It is considered that such changes would incentivise shopping trolley owners to introduce proven measures and management systems to prevent shopping trolleys leaving their stores.

X32 Shoalhaven City Council

Jet-skis

That the NSW Government assists marine parks to manage the impact of jet-ski use within the parks.

Note from Council

Councils often receive reports of compliance issues on its lakes, waterways and marine parks. These reports are that jet skiers are not adhering to NSW laws and requirements for the use of personal watercraft (jet skis). It appears that the number of jet skis in use is increasing and riders are displaying reckless behaviour, such as approaching dolphins and scaring them away from tourist dolphin watch boats. There is concern that jet ski riders are not adhering to the Australian National Guidelines for Whale and Dolphin Watching which stipulate jet ski drivers must stay at least 300m from dolphins, 500m from white whales and 300m from other whale species. The State Government should assist NSW Marine Parks to reduce the impacts of jet ski use on the marine life, visitors and community in Marine Parks.

X33 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.

Consideration could be given to creating flexibility in the consent process for mine sites (existing and new) to allow for the consideration of potential new post-mining land use outcomes at the stage of a mine operator commencing their mine closure plan. This would allow for new post-mining land use outcomes to be considered that may deliver greater benefits to local communities than what may already have been approved in each Mine Operations Plan.

X37 Bega Valley Shire Council

Community renewable energy hubs

That Local Government NSW urges the NSW Government to support local councils to establish community renewable energy hubs in their municipalities.

Note from Council

LGNSW's current policy statement (10.2) calls for "Ambitious but realistic policies and practices that promote council, community, industry and government commitment to renewable energy, energy conservation and energy efficiency." Community solar farms and local energy sharing make obvious sense environmentally and also financially by enabling solar bulk buys, supporting local jobs, local suppliers and ultimately more affordable energy.

X38 Shoalhaven City Council

Solar power framework

That the NSW Government brings the framework for solar power in line with the Victorian Government Provisions to allow local government to participate in a wider range of community solar power initiatives.

Note from Council

In 2014, Darebin City Council in Victoria established a Special Charge Scheme (SCS) that could be used to install solar photovoltaic (PV) systems on ratepayers' homes.

Council offered the service to low-income households who repay the cost of the system over 10 years – interest free. This was the first time in Australia a local government has used a SCS for an environmental program – specifically to install solar PV installation.

Darebin Solar continued, and the scheme expanded for 2017-2019 with an estimated 2,000 participants benefiting from the \$10M program. Council facilitates access to suppliers and installers, quality solar panels and inverters and extended warranties through the establishment of a tender panel.

According to Section 163 of the *Victorian Local Government Act 1989*, councils can establish a Special Charge Scheme (SCS) to recover the costs associated with works or programs. Typically, Councils would introduce a SCS for an infrastructure project, such as drainage or footpaths. In NSW, the establishment of a Special Charge Scheme is not available under the provisions of the *NSW Local Government Act 1993*. There are no similar mechanisms under the NSW LGA 1993 to enable a similar program of repayments via rates notices.

The NSW Government is encouraged to consider future legal reforms to the *NSW Local Government Act 1993* to enable repayments.

X39 Kyogle Council

Waste levy removal from rural councils

That Local Government NSW calls on the NSW Government to remove the waste levy from rural councils.

Note from Council

The waste levy is the single biggest contributor to cost shifting in NSW, particularly for metropolitan and regional councils. (Most rural councils are exempt, except for Kyogle Council in the north coast of NSW). In 2015/16 \$305 M was lost because the NSW Government did not fully reinvest the waste levy, paid by councils, back into local government environmental programs. (Reference LGNSW report Impact of Cost Shifting on Local Government in NSW 2018).

Kyogle has a very similar geography, demographic and industry base as our neighbour, Tenterfield Shire Council, which is not subject to the waste levy. There is an inconsistency in the application of the waste levy to specific council areas, with Kyogle Council being included, yet some coastal councils with much higher population densities, don't pay the waste levy.

X40 Ryde City Council

Reducing litter along NSW rivers and their tributaries

That Local Government NSW:

1. Writes to the NSW Minister responsible for Roads and Maritime Services (RMS), and the NSW Minister for Environment and Heritage, suggesting that:
 - a) They organise a summit aimed at reducing litter above and below the high water line along our rivers and river tributaries.
 - b) The relevant Government Department and Agencies, those councils adjoining NSW rivers and other associated catchment stakeholders be invited.
2. Sends a copy of this letter to all organised NSW Catchment Groups and congratulates them on their efforts to improve the health and visual impact of our important rivers across NSW.

Note from Council

Councils along NSW rivers, in most cases, currently collect litter, on council land up to the high water mark. The high water mark in most cases, is where the land becomes the responsibility of the State Agency or other entity. Unfortunately, litter is often not collected from beaches and mangroves as it is not part of the remit for either party. For example, here in Sydney, currently the Roads and Maritime Services (RMS) runs a litter vessel up and down the river collecting waste from the water.

Unfortunately, after heavy rain and high tides litter washes up onto beaches and into mangroves or just sits as floating islands in shallow coves and the litter vessel cannot access it.

Local communities along the river regularly run clean-ups in these areas but around towns and in urban areas they are becoming increasingly frustrated with the volume of waste appearing only days after they have cleaned up.

A focused collaboration between the State Government Agencies responsible for each river and those councils along each catchment would greatly reduce the impact of litter sitting in mangroves and on beaches, which would in turn enhance the health and beauty of NSW's rivers.

X41 Murray River Council

Noxious weeds funding

That Local Government NSW requests the NSW Government to provide additional funding to weed authorities within NSW for noxious weed eradication across the state of NSW.

Note from Council

Council, as a weeds authority, is continually expected to carry out an increased level of weed control activities with reduced program funding. Currently, there are a number of new and significant invasive weeds appearing across the region and within the Murray River Council local government area, including Silverleaf Nightshade, Mesquite and Khaki Weed that are targeted for eradication. During the 2013/14 review of weed management in NSW, the Natural Resources Commission made eight (8) key recommendations. One of the recommendations relevant to the Weed Action Plan (WAP) 2015-2020 is: Recommendation 3 –

3a) ensure consistent and coordinated regional planning and local delivery;

3b) replace the existing 14 regional weed advisory committees with 11 statutory regional weed committees comprising local government areas, public and private landholders, and community members as subcommittees to Local Land Services (LLS) and aligned with LLS borders;

3c) provide a legislative basis for tasking the regional weed committees with developing regional plans and priorities for weeds and surveillance.

The lead agency for the Murray WAP and Riverina WAP has been transferred to Murray and Riverina LLS. Whilst all NSW councils have significant responsibilities under s.371 of the *Biosecurity Act 2015*, reducing local government's role in noxious weed planning, together with declining funding for inland NSW is at odds with the Natural Resources Commission, Recommendation 3. An urgent and significant increase in funding to address noxious weeds in NSW, particularly for inland NSW, is required without further delay.

X42 Nambucca Shire Council

Flushable wet wipes

That Local Government NSW lobbies the Federal Government to legislate or impose a ban on the marketing of "wet wipes" or "flushable wipes" as being suitable to flush down the toilet.

Note from Council

The Water Services Association of Australia states that water utility bodies spend more than \$15 M a year cleaning up sewer blockages and other operational problems caused by flushed wipes which did not break down. In addition the wipes cause harm to the environment and waterways.

The ACCC recently lost its case in the Federal Court against Kimberly Clark for false advertising of "flushable" wipes as the blockages by wipes were found to be not the only contributing factor. However Pental Products was fined \$700,000 by the Federal Court for false and misleading representations regarding its "flushable" wipes.

Sydney Water claims that 75% of its blockages are now caused by wipes being flushed down the toilet and Nambucca Shire has also experienced sewer blockages one of which leaked into a waterway resulting in a fine from the EPA. The only things to be flushed down the toilet should be the three P's – Pee, Poo and Paper (toilet).

5. SOCIAL AND COMMUNITY

X43 Ryde City Council

Multilingual service

That Local Government NSW calls upon the NSW Government to investigate the funding and provision of a centralised free or subsidised multilingual interpreter service for provision to council's who choose to participate in such a scheme.

Note from Council

In areas with a high population of people who speak languages other than English, participation in local democracy can be lower than in other areas.

LGNSW has been a long time advocate of further participation by our communities in the democratic process. As such, councils should be as accessible as possible. Sometimes the biggest barrier to participation is language.

The costs associated with providing interpreters for ratepayers at council meetings, Committee meetings and private meetings with council staff can be prohibitive to councils who are under constant financial pressure.

A centralised interpreter service, available to all councils, could be a way for the State Government to assist in making the provision of such a service free or affordable to local government.

X44 City of Sydney**Multicultural communities policy statement**

That Local Government NSW supports the Multicultural Communities Policy Statement:

- a) Equity – fair distribution of resources;
- b) Rights – equality for all people;
- c) Access – to services essential to quality of life;
- d) Participation – of all people in their community; and
- e) 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.

Note from Council

As NSW and our local governments are increasingly multicultural, the City of Sydney calls on LGNSW to ensure its policy principles and elected representatives in local government align with the changing nature of our communities.

In recognition of previous commitments, and considering the massacre of Muslim worshippers at a mosque in New Zealand earlier this year, it is imperative that councils reaffirm their commitment to embracing and celebrating the cultural and linguistic diversity of residents and visitors.

X45 Ryde City Council**Safe food handling**

That Local Government NSW lobbies the Minister for Health for a more proactive and preventative educational approach to people working with food across local government areas (LGAs). Such measures could include, but would not be limited to:

- Increased funding for councils to run education sessions for restaurants and food handling concerns.
- Direct educational sessions held by NSW across LGAs.

Note from Council

Each year many Australians die from food poisoning. Access to food is a basic human right, vital for good health and for life itself. However, mishandled food possesses a serious threat to public health.

To combat this problem, City of Ryde has developed public education sessions to the public as well as to the food handling business owners. However, with limited resources in this space, an increased presence of NSW Health would assist Local Government with education and enforcement.

X46 Blacktown City Council**Pan Pacific Safe Community accreditation**

That member councils:

- a) Affirm the critical role of local government in addressing community safety issues through strategic linkages and collaborative partnerships
- b) Consider undertaking Pan Pacific Safe Community Accreditation
- c) Take opportunity as it presents to lobby the NSW Government for increased community safety-related infrastructure.

Note from Council

Pan Pacific Safe Community accreditation is an approach to injury and crime prevention that aims to reduce the overall incidence of harm over time. Accreditation is conferred on communities, not councils and provides a framework for a whole-of-community response to factors impacting the physical, social and environmental well-being of local residents and visitors.

The Pan Pacific Safe Community Network consists of representatives from 4 countries - New Zealand, United States of America, Australia and Canada. The network has been involved for over 20 years in the International Safe Communities Network, administering a program guided by the indicators and process of the World Health Organisation's International Safe Community framework.

X47 Bega Valley Shire Council**Government support for rural and regional arts**

That Local Government NSW lobbies the Minister for the Arts and Create NSW to increase annual support to Regional Arts Development Organisations.

Note from Council

LGNSW Policy 15.5 calls on State and Commonwealth governments to recognize the challenges for small, regional and remote councils and prioritise them for arts and cultural funding relative to the large State Cultural Institutions.

There are 14 Regional Arts Development Organisations (RADOs) in NSW, which all receive \$140,000 of annual funding. There has been no increase in this amount since 2011. Yet all operating costs have increased. Staff wage increases are very limited and professional development is unaffordable.

All RADOs deliver high quality services to their regions and create innovative projects and leverage more financial support from funding philanthropy and sponsors. Government support for these programs should increase in line with increasing costs of service delivery.

X48 Ryde City Council**Library funding - modernising libraries**

That Local Government NSW renews its campaign for more library funding per capita to local councils by calling on the NSW Government to lift its percentage funding contribution to 20% of State-wide total library expenditure by councils.

Note from Council

Libraries in the City of Ryde's building facilities and electronic resources are modern and in line with the 21st century quality. However, due to decades old funding shortfalls, facilities are not as good as communities expect.

In an age where access to an electronic device and the internet is essential, people often turn to public libraries to access basic services online. Due to funding shortfalls, technology in public libraries is often out of date.

The City of Ryde has recently trialled provision of mobile devices (tablets) in Eastwood Library to assess their suitability for the predominantly elderly and ethnically diverse users. Due to the aforementioned funding shortfall, it is difficult to roll out new technologies in addition to updating the desktop PCs offered in Libraries.

Despite recent minor funding increases, NSW still falls short of other States in terms of the percentage it provides to councils for library funding.

6. GOVERNANCE AND ACCOUNTABILITY

X49 Gwydir Shire Council

Webcasting

That the Local Government NSW Annual Conference expresses its concern regarding the one size fits all approach to the compulsory requirement for all councils to provide webcasting of its meetings.

Note from Council

Councils should have the ability to either opt in or opt out of this type of initiative. Making this type of requirement mandatory reduces the ability of each Council to determine the best way to provide local governance within its area. What may be good for one or more Councils doesn't make it appropriate across NSW.

X50 Hunters Hill Council

Democratic recognition of local government in the Australian Constitution

That Local Government NSW advocates for democratic recognition of local government in the Australian Constitution and that in addition to a question on financial recognition a second question be put to the Australian people at a referendum asking that a new section 119A be inserted with wording to the effect that:

1. Each State shall, and each Territory may, provide for the establishment and continuance of local government bodies directly chosen by the people in accordance with its laws and empowered to administer, and to make by-laws for, their respective areas in accordance with the laws of the State or Territory.
2. The Parliament of a State or Territory may by Statute dismiss a local government body, and provide for the appointment of persons to perform its functions and exercise its powers until such time as a new local government is elected.

Note from Council

The objective of this motion is to entrench guarantees, not found in all State Constitutions, into the Australian Constitution to ensure local government bodies are elected and can only be lawfully suspended and, if suspended, elected local government will be restored by elections held within a reasonable time.

X51 Hawkesbury City Council

communication and teamwork between local and State Government

That the NSW Government work in partnership with local government to develop a framework for communicating and working with local government to address the many financial, social, environmental and infrastructure challenges confronting the State of NSW.

Note from Council

There are numerous recent examples of the NSW Government announcing its intentions regarding significant issues that have a direct bearing on local government, with little if any prior consultation with Local Government, for example:

- The proposed increase in the emergency service levy, communicated to local government by way of a media release on 4 May 2019, a time when most councils across the State had adopted their draft operational plans and placed them on public notification
- The proposed increases in the costs to be apportioned to Local Government in relation to the 2020 Local Government Elections
 - Contrary to previous information provided by the NSW Electoral Commission
 - Just over a year out from the election date
 - Allowing for 2 weeks to provide feedback
 - Before the State Government had explored any of its own opportunities to improve processes and reduce financial impacts

We therefore call on the NSW Government to work in partnership with local government to develop a better and more reliable way of doing business with local government.

X52 Hawkesbury City Council

Recognition of local government in the Australian Constitution

That the Commonwealth Government be requested to work with local government bodies across Australia to progress a Referendum at the next Commonwealth Election to secure the recognition of local government in the Australian Constitution.

Note from Council

Since 1974, there have been 3 proposals seeking the recognition of local government in the Australian Constitution. The previous attempts in 1974 and 1988 both failed to secure a majority of votes in a majority of States and Territories.

A third attempt was proposed for the Federal election to be held in 2013. However a change of leadership in the Government of the day and the resulting change in the election date meant that the referendum did not proceed.

On that most recent occasion, the then Government had well advanced plans to support the proposal, including:

- The support of both an Expert Panel on Constitutional Recognition of Local Government and a Joint Select Committee on Constitutional Recognition of Local Government
- Draft wording of the proposed changes to section 96 of the Constitution and associated legislation
- Funding allocated in forward budget estimates to:
 - The Australian Electoral Commission to conduct the referendum
 - The then Department of Regional Australia, Local Government, Arts and Sport to undertake a national education campaign to provide information on the referendum process.

Given the current circumstances of:

- General support in both houses of parliament
 - The existing proposal for a referendum at the next Federal election – thereby minimizing cost to the electorate

the time is right for the Commonwealth Government to complete the business of securing recognition of Local Government in the Australian Constitution. The work undertaken in the lead up to the 2013 proposal will further reduce the cost and workload in progressing this important reform.

X53 Georges River Council

Century review of local government funding

That Local Government NSW works with the State and Federal Government to review the current funding model for local government to ensure that local government in NSW can provide the services necessary to meet the needs of their communities in the 21st Century.

Note from Council

This year marks 100 years since the enactment of the 1919 Local Government Act which established a funding mechanism for local government that reflected local government's then role as a property based service agency; the roads, rates and rubbish view of local government. This funding approach remains largely unchanged, yet the environment within which local government operates and the services provided bear little resemblance to local government in 1919.

There are also many pressures on the funding relied upon and the costs faced by local government, including:

- Cost shifting
- Rate Pegging
- Reduction Federal Assistance Grants for metropolitan councils
- Regional service provision placing additional burden on some councils
- Development Contributions (7.11/7.12) restrictions on the amount that can be collected and what infrastructure can be funded

Is this the best way to fund Local Government in the 21st Century?

X54 Penrith City Council

Bill posters and other advertising material in contravention of the Act

That Local Government NSW writes to the Minister for Energy and Environment requesting that Section 146(C) of the *Protection of the Environment Act 1997* be amended to allow a deeming provision that makes the venue/promoter/organiser and or business mentioned in the advertisement culpable for the offence of cause or ask a person to commit an offence under sections 146(A) or 146(B) of the *Protection of the Environment Act 1997*.

Note from Council

Councils experience significant difficulties in detecting and prosecuting individuals for offences committed under sections 146(A) and 146(B) of the *Protection of the Environment Act 1997*. Offences are typically committed in the early hours and Council is obliged to prove identity of any offender. Investigations are often thwarted by the refusal of suspects and organisations to answer questions.

It is proposed that a deeming provision, similar to that contained in the *Road Transport Act 2013*, be created where the registered operator is taken to have committed a designated offence until they are able to prove otherwise. If such a provision was available, the prosecution would not have to prove when and who deposited a particular poster but only that a poster was deposited.

This amendment would serve as a significant deterrent against offences under this section.

X55 Hunters Hill Council

Consultation and engagement with local councils

That Local Government NSW advocates that the NSW Government establishes central departmental liaison officers in government agencies for local government areas and for Regional Organisations of Councils and Joint Organisations, to help to represent the needs of communities that we serve, including:

- a) Providing at least (at a minimum) of 30 days' notice when seeking comment during consultation on key government initiatives, policies, programs and legislation, particularly those that could impact on local councils.
- b) Specific reference to local councils as a distinct stakeholder partner for 'Consultation' in the NSW Cabinet Manual, Guidelines, Cabinet Process Flowchart and relevant Premier's Memoranda, rather than the current guidance on "external stakeholders include: the public, industry, the Australian Government, other jurisdictions".
- c) A step to allow for a minimum of 14 days to receive comment from local councils during the 'Draft Cabinet Submission Stage' in the NSW Cabinet Process Flowchart, NSW Cabinet Manual and Guidelines.

Note from Council

The NSW Cabinet Manual, Guidelines and Cabinet Process Flowchart provide the procedures on the stages/steps for the Cabinet submission process, including for proposed legislation and legislative amendments. Inclusion of local councils as a specific stakeholder in the procedures and stages for the Cabinet submission process could help to ensure that local councils are consulted with adequate time to provide comments. Otherwise, opportunities may be lost without timely participation or well-prepared input, especially on matters which may have an impact on local councils.

By having central liaison officers in government departments responsible for local councils in the ROC or JO region, this would help facilitate the process of information exchange and communication. Key concerns could be raised and addressed more efficiently through the enhanced process of having liaison officers in government agencies.

X56 Murray River Council

Cross-border Issues

That Local Government NSW advocates to the NSW Government to press for the urgent engagement of the Victorian Cross-Border Commissioner to facilitate effective and comprehensive resolution of the multitude of cross-border anomalies that exist between our two States.

Note from Council

Cross-border anomalies continue to frustrate the efficient and effective conduct of business and present impediments to social health and well-being in border communities. Literally hundreds of anomalies exist, all of which impair social functions to some degree. They include sub-optimal access to healthcare, delivery of emergency services, professional accreditation, pensioner access to discounts and economic distortion caused by the container deposit scheme, and many, many others.

X57 Newcastle City Council

Second cities regional vs metropolitan status

That Local Government NSW:

1. Notes the continued uncertainty surrounding the status of cities of local government areas commonly classified as either 'regional' or 'metropolitan' councils (for example Newcastle and Wollongong councils).
2. Writes to the NSW Premier seeking clarification about regional and metropolitan boundaries in NSW.
3. Calls on the NSW Government to provide certainty to these local government areas regarding eligibility for grant funding opportunities.

Note from Council

The recent NSW Budget has seen the Hunter be reclassified as 'regional', after being regarded as 'metropolitan' in last year's budget documents, and key strategic NSW Government documents. Clarity is needed so that Newcastle and Wollongong know what significant grant funding opportunities are available from the NSW Government.

X58 Armidale Regional Council

Council amalgamations

That Local Government NSW notes the financial information in the March 2019 report: "Council Amalgamations, a sea of red ink" and lobbies the NSW Government for financial assistance to enable councils whose finances have suffered since forced amalgamation to meet important commitments in their Delivery Programs.

Note from Council

A report by accountant and finance professional Brian Halstead in March 2019 compared data for councils in rural and regional areas for 2014/15 (the last full FY before amalgamation) with projections for 2018/19. Total projected deficits for the consolidated funds of the 11 councils in 2018/19 were \$47.5M worse than in 2014/15.

The same report examined the financial positions of NSW Metro councils before and after merger. Four of the five councils with comparable pre- and post- amalgamation data had surpluses in 2014-15 compared to projected deficits in 2018/19 – see table titled 'Metro councils operating results before capital grants':

https://savehuntershill.files.wordpress.com/2016/01/socc-state-election-a-sea-of-red-ink-final-with-cover-7-march-2019.pdf?fbclid=IwAR13_vPJmIoYlcbu-0YogydtCBeYTZhD0tt2hLcrzaJnfDrK3-j8g_nulfl. The only exception is Bayside Council, which sought \$17M from the State Government in February 2018 to recompense ratepayers for costs related from the misappropriation of funds by employees of the former Botany Bay Council.

In some cases, the situation is getting worse. In its 2019/20 budget, Sydney's Inner West Council faces an \$18M deficit (excluding capital grants and contributions), compared to the \$3M for the previous financial year.

The 2018 LGNSW Conference gave solidarity with the people of Tumbarumba and Gundagai in seeking to demerge from their forcibly amalgamated councils and similarly supported any other communities seeking to demerge from a forcibly amalgamated council. This motion asks LGNSW to support and lobby for financial assistance for councils whose finances have suffered since amalgamation.

STATE RULES

Rules of a *State Industrial Organisation*
Registered under the *Industrial Relations Act 1996 (NSW)*

Local Government NSW

as at 10 July 2019

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LOCAL GOVERNMENT NSW

CONSTITUTION

1. (a) The name of the Organisation shall be "Local Government NSW" (the "Association") but may also be known as "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 *Industrial Relations Act 1996* (NSW).

"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" means 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.

“Amalgamation date” means the date fixed by the Industrial Registrar as the date upon which the Amalgamation and these Rules takes effect, being such date as the Industrial Registrar 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.



“Federal organisation” means the Local Government and Shires Association of New South Wales, also known as “Local Government NSW”, an organisation of employers registered under the *Fair Work (Registered Organisations) Act 2009* (Cth) including without limitation, as referred to in Rules 42A and 68.

“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 in the Dictionary to 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 in the Dictionary to 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 RLGBs.
- (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) RLGBs, 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:

- (a) the member resigns in accordance with Rule 8;
- (b) the member is a council that is dissolved;
- (c) 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;
- (d) 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) Whilessoever 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) per cent 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 *Fair Work (Registered Organisation) Act 2009* (Cth) (the "Federal organisation") of the prescribed membership contribution or subscription shall constitute payment in full of the membership contributions and fees to the Association.

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;
 - (v) to invest the funds of the Association in accordance with the policy determined from time to time by the Board;
 - (vi) to recommend to the Board the remuneration and/or allowances to be paid to the President, other office bearers and other directors;
 - (vii) to recommend to the Board any expenses policies for the Association;
 - (viii) to undertake such other functions as may be delegated to the Group by the Board provided that such functions are subject to supervision and directions for their exercise by the Board.
- (e) A member of the Senior Executive Group shall attend at all meetings of the Senior Executive Group unless granted leave of absence by or having reasonable excuse acceptable to the Senior Executive Group. A failure by a director to attend three consecutive meetings of the Board, the Senior Executive Group or a combination of both without leave shall be deemed to constitute a breach of the duties of a director under these Rules.
21. The President of the Association shall have, in addition to such powers as are specifically conferred on him or her by these Rules, the power to act on behalf of the Association between meetings of the Board, provided that such action(s):
- (a) are consistent with any resolution(s) of the Board, and
 - (b) are for the purpose of carrying out the objects of the Association



PROVIDED THAT any such actions are consistent with any relevant policy decision(s) of a Conference of the members.

- 21A (a) The Association shall establish an Industrial Advisory Committee to assist and make recommendations to the Board in relation to industrial relations issues that concern or are likely to concern more than one of the members of the Association either currently or in the future.
- (b) The Industrial Advisory Committee's terms of reference, size and composition shall be determined by the Board, provided that the Committee shall at least include Directors from the Board and general managers of member organisations (or their representatives).
- (c) The Board shall consider recommendations of the Industrial Advisory Committee when making relevant decisions.

CONFERENCES

General

- 22 A Conference shall consist of Delegates from all Members of the Association provided that the Member must be financial on both the calculation date and on the date that the roll of voters closes as provided for in Schedule B. Where an Annual Conference does not involve 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 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 Conference

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 four (4) 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) 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.

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.

(c) Substitution of voting delegates for voting in Board elections

If it is desired to change the nomination of a delegate for voting in an election, written notice 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, by the Chairperson or Chief Executive Officer of that entity, shall be given to both the Chief Executive or his or her nominee and the Returning Officer by 5pm the business day before the day of the opening of the ballot.

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 45 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 (d), 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 a Conference, 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 Metropolitan Region.
- (e) The various offices of other Directors (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 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. Elections shall be conducted in accordance with the requirements of Schedule B.

- 42A (a) Notwithstanding any other provisions of these rules, each of the persons elected from time to time to offices or positions on the Board of Directors of the Local Government and Shires Association of New South Wales being an organisation registered under the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth ("the Federal organisation") shall be taken to be validly elected to the corresponding office or position of the Association (the State organisation) from and for so long as the Industrial Registrar is satisfied that:

- (i) the membership of the Federal organisation and the membership of the Association (the State organisation) are identical or substantially similar; and
- (ii) the rules of the Federal organisation relating to the election of the holders of offices comply substantially with the requirements relating to election of the holders of offices under the *Industrial Relations Act 1996*; and

- (b) Within 28 days (or such longer period as the Industrial Registrar allows) of the Association (the State organisation becoming aware:

- (i) of any amendments of the rules of the Federal organisation concerning the election of officers;
- (ii) that the membership of the Federal organisation and the membership of the Association (the State organisation) is no longer identical or substantially similar; or
- (iii) that offices in the Federal organisation no longer directly correspond with the offices in the Association (the State organisation)

the Association shall provide written notice of the fact to the Industrial Registrar.

- (c) The late lodgement with the Industrial Registrar of a notice under sub-rule (b) shall not invalidate the election of persons taken to be elected under this rule during any period in respect of which the Industrial Registrar is satisfied that the facts required to be established have been established.
- (d) This rule shall apply to the filling of casual vacancies by election and



appointment.

A person who resigns from office in the Federal organisation shall forthwith cease to hold the corresponding office in the Association (the State organisation).

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 49; or
 - (d) ceases to be eligible under the Rules to hold office as a Director.

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.

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. A person ceases to be a Director and vacates his or her position on the Board (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:
- (i) wherever practicable all directors are given at least seven (7) days' notice of the time, date and agenda for the meeting; and
 - (ii) 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 per cent 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 per cent 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 *Fair Work (Registered Organisations) Act 2009* (Cth))
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 *Fair Work (Registered Organisations) Act 2009* (Cth).



- (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 *Fair Work (Registered Organisations) Act 2009* (Cth))
67. (Contents of Rule 67 deleted due to statutory changes. See now Part 2A of Chapter 9 of the *Fair Work (Registered Organisations) Act 2009* (Cth))
68. (Contents of Rule 68 deleted due to statutory changes. See now Part 2A of Chapter 9 of the *Fair Work (Registered Organisations) Act 2009* (Cth))
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 Industrial Registrar 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 organisation of the same name registered under the *Fair Work (Registered Organisations) Act 2009* (Cth); 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 council 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.

END OF RULES



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
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 candidate's 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;



- (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 before the closing of the ballot 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



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