

LGNSW Annual Conference 2018

Record of Decisions

FEDERAL CONFERENCE

F1 Board

Standing Orders

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

Decision:

Carried

F2 City of Sydney, Campbelltown City Council, and Board

Constitution

That the Local Government and Shires Association of New South Wales, being a registered organisation under the *Fair Work (Registered Organisations) Act 2009* (Cth) (the "**Association**"):

1. Amend the Association's rules in the terms proposed below.
2. In furtherance of 1 above, make application to the Fair Work Commission to amend the Association's rules.

Decision:

Carried

STATE CONFERENCE

1 Board

Standing Orders

That the Standing Orders as set out in the preceding pages 23 to 26 be adopted.

Decision:
Carried

1. ECONOMIC POLICY

2 Bourke Shire Council

Drought disaster policy

That the NSW Government as a matter of urgency develop a policy framework which clearly defines when an area is deemed to be in "drought" and also develops a range of measures that provide assistance to farmers and small business impacted by drought conditions including clear criteria which needs to be straight forward and inclusive, so that such assistance can be accessed in a timely fashion.

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

Decision:
Carried

Gunnedah Shire Council

Plan for drought protection

That the State and Federal Governments put a strategic plan in place for future drought protection in Australia.

Warren Shire Council

Natural disaster declaration (drought)

That Local Government NSW, along with the Australian Local Government Association, pursues the NSW and Federal Governments to develop criteria to determine local and regional drought recognition like the triggers for flood and fire.

Wollondilly Shire Council

Drought impacts on primary producers

That Local Government NSW lobbies the Federal Government to declare a national emergency as a result of the NSW and QLD drought and to also lobby the Federal and NSW Governments to continue to monitor and increase as appropriate the level of financial assistance and other support and to make this immediately available to farmers.

3 Coffs Harbour City Council

Drought relief policy and relief package

That the Annual Conference of Local Government NSW consider seeking the development of a policy and associated relief package by Local Government NSW designed to support drought stricken NSW farmers. This policy and package could be developed in a similar manner to the legal assistance policy and guidelines. Contributions from individual councils should be entirely voluntary with no council under any obligation to make a contribution.

Decision:

Amendment:

That LGNSW in conjunction with State and Federal government develop and fund a long term drought strategy that works with local government areas to investigate best practice sustainable and regenerative agriculture systems that are better able to deal with the threats of long term droughts.

Amendment Lost

Motion Carried

4 Bland Shire Council **Drought relief through rate rebates**

That Local Government NSW lobbies the NSW Government to introduce a drought relief package based on a rate rebate of 50% for all farmland categorised land with that 50% being paid to the local council to maintain vital infrastructure in those drought affected areas.

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

Decision:

Carried

Lachlan Shire Council **Rate subsidies in drought affected areas**

That Local Government NSW lobbies the Federal and State Governments to provide rebates to rate payers suffering financial hardship as the result of drought.

5 Gunnedah Shire Council **Support for agricultural dependant businesses**

That Local Government NSW calls upon the Federal Government to extend an income management scheme based upon the "Farm Management Deposit" scheme to businesses which rely upon the agricultural sector for the majority of their revenue. This would help improve the economic stability of rural communities during droughts and therefore strengthen the financial sustainability of councils.

Decision:

Carried

6 Coolamon Shire Council **Fuel excise levy - R2R funding**

That Local Government NSW lobbies the Federal Government for the permanent inclusion of a percentage of the fuel excise levy to be provided as an increase to the existing Roads to Recovery (R2R) funding program for local government.

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

Decision:

Carried

Bland Shire Council **Review of the fuel excise duty**

That Local Government NSW lobbies the Federal Government for the return of at least 50% of the petrol and diesel excise duty direct to local government for expenditure on local roads.

7 North Sydney Council **Rating system for local government**

That Local Government NSW requests the NSW Government to review and adopt the recommendations proposed within the IPART Review of the Local Government Rating System - Draft Report of August 2016.

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

Decision:

Amendment:

That Local Government NSW requests the NSW Government to release the IPART Review of the Local Government Rating System - Draft Report of August 2016.

Amendment becomes the motion

Carried

Blacktown City Council **Greater flexibility of the rating system**

That Local Government NSW calls on the NSW Government to address the outcomes of the IPART rating review as a matter of urgency.

City of Canterbury Bankstown **Review of rating structure**

That this Conference calls upon the NSW Government and specifically the Minister for Local Government to, without delay, release the IPART's report into the NSW Local Government Rating System and provide the Government's response to the recommendations of that report.

City of Ryde **Release of IPART's Review of the NSW Local Government Rating System Report**

That this Conference call upon the Premier of NSW, the Hon. Gladys Berejiklian MP, and the Minister for Local Government, the Hon. Gabrielle Upton MP, to release IPART's report on the Review of the Local Government Rating System that was undertaken in 2016, as a matter of urgency.

Hawkesbury City Council **IPART Report on 'Review of Local Government Rating System'**

That Council calls on the NSW Government to respond to the IPART Report on 'Review of Local Government Rating System', that it releases the final version of the report and advise of their intentions in respect of the recommendations in the report and provide appropriate modelling in respect of all local government areas (LGAs), including the Hawkesbury City Council LGA.

North Sydney Council **Educational institutions - rates**

That Local Government NSW requests that the NSW Government review the system of exempting from rates, all newly acquired properties, that are currently rateable properties, purchased by educational institutions.

Penrith City Council **IPART recommendations of changes to the LG Act**

That Local Government NSW lobbies the NSW Government to implement the recommendations given to them by IPART in December 2016, after taking into consideration the submissions from councils in relation the the draft report, for changes to the rating components of the *Local Government Act 1993*. Particular emphasis is drawn to the key draft recommendations of:

- I. Allowing the use of capital improved values.
- II. Removing some exemptions from rates, particularly for land used for commercial activities and residential purposes.
- III. Removing council's requirement to subsidise pension rebates and the NSW Government fully fund a discount scheme that is indexed.
- IV. Giving councils more options to set rates within rating categories and sub-categories.

Shoalhaven City Council **Call for release of 2016 IPART rating report**

That the Minister for Local Government, the Hon Gabrielle Upton MP, be called upon to release the IPART report on the Local Government Rating System which was provided to her predecessor in December 2016 along with the Government's response to the report.

8 Wingecarribee Shire Council **Crown Land management**

That the NSW Government address the inadequate base level of funding of \$30,000 provided to councils to comply with the Crown Land Management Act's requirement to prepare plans of management for all Crown Land that they manage; and allow for a transition period greater than three years to have adopted plans in place for all Crown reserves managed as community land.

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

Decision:
Carried

Lithgow City Council **Crown Land management financial support**

That Local Government NSW makes representations to the NSW Government acknowledging the initial amount of funding received to assist in the preparation of plans of management for Crown Lands managed by councils, but remind the government that this is another example of cost shifting to local government. Further, Local Government NSW requests additional funding be provided to councils so as to fully cover the preparation of all plans of management for Crown Lands managed by councils as well as providing full funding for ongoing management costs and Native Title responsibilities.

Shoalhaven City Council **Impact of Crown Lands Management Act 2016**

That the NSW Government acknowledge that the anticipated cost to local government councils of preparing plans of management to comply with the *Crown Lands Management Act 2016* will run into hundreds of thousands of dollars and to ensure that additional funding is provided to Local Government to adequately fund the work required to be undertaken.

That:

1. Local Government NSW makes strong representations to NSW Treasury Corporation (TCorp) and the Office of Local Government (OLG) opposing any substantial changes to the Ministerial Investment Order that would restrict council investment in unrated Approved Deposit Institutions (ADIs) (e.g. small banks, building societies and credit unions).
2. Councils making application to TCorp for loan funds not be subjected to financial covenants that severely restrict investments with unrated small banks, building societies and credit unions.

Decision:

Amendment:

That:

1. Local Government NSW makes strong representations to NSW Treasury Corporation (TCorp) and the Office of Local Government (OLG) opposing any substantial changes to the Ministerial Investment Order that would restrict council investment in unrated Approved Deposit Institutions (ADIs) (e.g. small banks, building societies and credit unions).
2. Councils making application to TCorp for loan funds not be subjected to financial covenants that severely restrict investments with unrated small banks, building societies and credit unions.
3. That LGNSW makes representations to TCorp to establish an investment product that provides a choice for councils who want to not invest in fossil fuels and support the transition to a lower carbon use environment.

Amendment Lost

Motion Carried

2. INFRASTRUCTURE AND PLANNING POLICY

That Local Government NSW writes to the Minister for Planning and Environment requesting that the boarding houses division of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (the SEPP) be amended.

It is proposed that the amendments include:

- Removal of allowance for boarding houses in low density residential areas.
- Requirement for a social impact study to be submitted with boarding house applications.
- Enabling councils to refuse development consent in certain circumstances, for example, when boarding houses are proposed in inappropriate locations without adequate access to services and jobs.
- Removal of the words “not more than” from Division 3, Clause 29 Section 2.e.iii “in the case of any development - not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.”
- A minimum percentage of affordable rental housing in boarding houses.
- Objectives and actions for monitoring the effectiveness of boarding houses in contributing to the supply of affordable rental housing.

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

Decision:

Amendment:

That Local Government NSW writes to the Minister for Planning and Environment requesting that the boarding houses division of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (the SEPP) be amended.

It is proposed that the amendments include:

- Requirement for a social impact study to be submitted with boarding house applications.

- Enabling councils to refuse development consent in certain circumstances, for example, when boarding houses are proposed in inappropriate locations without adequate access to services and jobs.
- Removal of the words “not more than” from Division 3, Clause 29 Section 2.e.iii “in the case of any development - not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.”
- A minimum percentage of affordable rental housing in boarding houses.
- Objectives and actions for monitoring the effectiveness of boarding houses in contributing to the supply of affordable rental housing.

Amendment becomes the motion

Amendment:

That Local Government NSW writes to the Minister for Planning and Environment requesting that the boarding houses division of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (the SEPP) be amended to strengthen affordable housing provisions and allow differentiation between for-profit development and affordable housing.

It is proposed that the amendments include:

- Requirement for a social impact study to be submitted with boarding house applications.
- Enabling councils to refuse development consent in certain circumstances, for example, when boarding houses are proposed in inappropriate locations without adequate access to services and jobs.
- Removal of the words “not more than” from Division 3, Clause 29 Section 2.e.iii “in the case of any development - not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.”
- A minimum percentage of affordable rental housing in boarding houses.
- Objectives and actions for monitoring the effectiveness of boarding houses in contributing to the supply of affordable rental housing.
- The SEPP does not achieve the affordability objectives specified in the SEPP noting that rooms are often comparable in price to studio units; With a minimum 25% target in perpetuity
- The SEPP does not provide adequate security of tenure for residents;
- The SEPP does not achieve adequate amenity for residents. In this respect the provisions of SEPP 65 – Design Quality of Residential Apartment Buildings which seeks to ensure adequate internal amenity, does not apply to Boarding Houses;
- Issues such as noise, unsocial behaviour, and property presentation and maintenance are not adequately addressed in the SEPP noting that the provision for on-site management is only required with 20 or more lodgers. A manager should be accommodated on-site for any boarding house accommodating 10 or more lodgers and a specific Plan of Management should be provided for all other boarding houses;
- The floor space ratio for boarding houses should be restricted to that specified in the relevant Local Environmental Plan applicable to the site;
- Bulk and scale should be able to be used as grounds for refusal noting that it is an integral consideration in assessing compatibility to the character of the local area;
- The landscaped area provision should apply for the whole site and not just within the front setback area. Landscaping is an integral consideration in assessing compatibility to the character of the local area and, as for bulk and scale should be able to be used as grounds for refusal;
- The provision for consideration of local character specified in Clause 30A of SEPP (ARH) becomes meaningless when key components for determination of character (bulk and scale, and landscaping) cannot be included in such consideration;
- Boarding houses should not be allowed in cul-de-sac locations due to limited parking opportunities and the proportionately greater number of vehicles significantly changing traffic in such streets; and
- The definition of boarding house does not sufficiently distinguish them from a residential flat building consisting entirely of studio units. Greater differentiation should be made to ensure the policy is not exploited.

Amendment Lost

Amendment:

That Local Government NSW writes to the Minister for Planning and Environment requesting that the boarding houses division of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (the SEPP) be amended to strengthen affordable housing provisions and allow differentiation between for-profit development and affordable housing.

It is proposed that the amendments include:

- Requirement for a social impact study to be submitted with boarding house applications.
- Enabling councils to refuse development consent in certain circumstances, for example, when boarding houses are proposed in inappropriate locations without adequate access to services and jobs.
- Removal of the words “not more than” from Division 3, Clause 29 Section 2.e.iii “in the case of any development - not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.”
- A minimum percentage of affordable rental housing in boarding houses.
- Objectives and actions for monitoring the effectiveness of boarding houses in contributing to the supply of affordable rental housing.
- The SEPP does not achieve the affordability objectives specified in the SEPP noting that rooms are often comparable in price to studio units;
- The SEPP does not provide adequate security of tenure for residents;
- The SEPP does not achieve adequate amenity for residents. In this respect the provisions of SEPP 65 – Design Quality of Residential Apartment Buildings which seeks to ensure adequate internal amenity, does not apply to Boarding Houses;
- Issues such as noise, unsocial behaviour, and property presentation and maintenance are not adequately addressed in the SEPP noting that the provision for on-site management is only required with 20 or more lodgers. A manager should be accommodated on-site for any boarding house accommodating 10 or more lodgers and a specific Plan of Management should be provided for all other boarding houses;
- The floor space ratio for boarding houses should be restricted to that specified in the relevant Local Environmental Plan applicable to the site;
- Bulk and scale should be able to be used as grounds for refusal noting that it is an integral consideration in assessing compatibility to the character of the local area;
- The landscaped area provision should apply for the whole site and not just within the front setback area. Landscaping is an integral consideration in assessing compatibility to the character of the local area and, as for bulk and scale should be able to be used as grounds for refusal;
- The provision for consideration of local character specified in Clause 30A of SEPP (ARH) becomes meaningless when key components for determination of character (bulk and scale, and landscaping) cannot be included in such consideration;
- Boarding houses should not be allowed in cul-de-sac locations due to limited parking opportunities and the proportionately greater number of vehicles significantly changing traffic in such streets; and
- The definition of boarding house does not sufficiently distinguish them from a residential flat building consisting entirely of studio units. Greater differentiation should be made to ensure the policy is not exploited.

Amendment Lost**Amendment:**

That Local Government NSW writes to the Minister for Planning and Environment requesting that the boarding houses division of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (the SEPP) be amended.

It is proposed that the amendments include:

- Requirement for a social impact study to be submitted with boarding house applications.
- Enabling councils to refuse development consent in certain circumstances, for example, when boarding houses are proposed in inappropriate locations without adequate access to public transport, services and jobs.

- Removal of the words “not more than” from Division 3, Clause 29 Section 2.e.iii “in the case of any development - not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.”
- A minimum percentage of affordable rental housing in boarding houses.
- Objectives and actions for monitoring the effectiveness of boarding houses in contributing to the supply of affordable rental housing.

Amendment becomes the motion

Carried

Cumberland Council

Boarding Houses in low density residential zones

That Local Government NSW lobbies the Minister for Planning and Environment to amend the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (the SEPP) to remove R2 low density residential zones from the mandated list of zones in which boarding houses can be developed, to enable councils to determine the suitability of this intensive use, in consultation with their local communities.

Willoughby City Council

Inadequate provisions on boarding house accommodation

That Local Government NSW writes to the Minister for Planning and Environment raising concerns with the inadequacy of provisions contained in *State Environmental Planning Policy (Affordable Rental Housing) 2009* (the SEPP) in respect to boarding house accommodation.

Wingecarribee Shire Council

Amendment to Standard Instrument Principal LEP

That the NSW Department of Planning and Environment amend the Standard Instrument Principal Local Environmental Plan (LEP) to remove Boarding Houses as mandatorily permissible with consent in the R2 Low Density Residential Zone.

11 Blacktown City Council

Rezoned land

That Local Government NSW calls on the NSW Government to not allow land to be rezoned by the Minister for Planning unless a contributions plan has been made that funds the local infrastructure to which the rezoning applies.

Decision:

Carried

12 Liverpool City Council

Exemption from IHAP changes

That Local Government NSW writes to the Minister for Planning to advocate for changes to the *Environmental Planning and Assessment Act 1979* and *Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017* to incorporate one of the following models:

- A model where an Independent Hearing and Assessment Panels (IHAP) makes a recommendation to council and council makes the determination; or
- Something similar to a JRPP model where a number of councillors are appointed to a panel.

Decision:

Amendment

That Local Government NSW writes to the Minister for Planning to advocate that while local planning panels remain imposed on metropolitan councils for changes to the *Environmental Planning and Assessment Act 1979* and *Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017* to incorporate one of the following models:

- A model where an Independent Hearing and Assessment Panels (IHAP) makes a recommendation to council and council makes the determination; or
- Something similar to a JRPP model where a number of councillors are appointed to a panel.

Amendment becomes the motion

Carried

13 Wingecarribee Shire Council

Amendments to Development Approval process

That the NSW Department of Planning and Environment undertake action that will enable new dwelling houses and alterations and additions to dwelling houses to be considered in a single application process instead of the current development application, construction certificate and associated approvals that are required in order to achieve approval for developments that are not eligible to be considered as Complying Development.

Decision:

Carried

14 Blacktown City Council

Certification of development by private certifiers

That Local Government NSW lobbies the NSW Government to amend the *Building Professionals Act 2005* or its succeeding legislation to:

- i. Provide for the protection and compensation of 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.
- ii. Assure consumers that private accredited certifiers accredited by the Building Professionals Board (BPB) who cannot secure adequate commercial professional indemnity insurance can continue their Principal Certifier (previously the Principal Certifying Authority) role until an Occupation Certificate is issued for the development.
- iii. Minimise the possibility and ease by which councils with limited professional staff resources are being compelled to accept appointments as Replacement Principal Certifier where private accredited certifiers lose their accreditation through disciplinary action by the BPB, lack of a reasonable professional indemnity insurance policy offered by the insurance industry, or for any other reason.
- iv. Provide for consumer protection in the event the insurance industry moves to reduce or remove cover from private certifiers and the certification industry.

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

Decision:

Amendment:

That Local Government NSW lobbies the NSW Government to amend the *Building Professionals Act 2005* or its succeeding legislation to:

- i. Provide for the protection and compensation of 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.
- ii. Assure consumers that private accredited certifiers accredited by the Building Professionals Board (BPB) who cannot secure adequate commercial professional indemnity insurance can continue their Principal Certifier (previously the Principal Certifying Authority) role until an Occupation Certificate is issued for the development.
- iii. Minimise the possibility and ease by which councils with limited professional staff resources are being compelled to accept appointments as Replacement Principal Certifier where private accredited certifiers lose their accreditation through disciplinary action by the BPB, lack of a reasonable professional indemnity insurance policy offered by the insurance industry, or for any other reason.
- iv. Provide for consumer protection in the event the insurance industry moves to reduce or remove cover from private certifiers and the certification industry.
- v. That the legislation be enhanced to give councils more powers to deal with private certification of non complying development.

Amendment becomes the motion

Carried

City of Parramatta**Private certification in the building industry**

That Local Government NSW advocates for the NSW Government to make changes to the current legislative framework with a view to strengthen the existing controls, legislation and guidelines in respect of non-compliances in relation to private certification in the building industry to ensure the needs and concerns of both residents and developers are adequately being met.

Cumberland Council**Measures to address private building certification issues**

That Local Government NSW lobbies the NSW Government to address the issues in the private building certification industry by means such as providing funding for council compliance and 'clean-up' costs, increasing the period after construction in which the Building Professionals Board must consider complaints to 5 years, facilitating professional indemnity insurance for certifiers and introducing a more extensive mandatory inspection regime including building cladding stage.

Hornsby Shire Council**Appointment of accredited certifiers and the principal certifying authority**

That Local Government NSW writes to the NSW Government requesting that it undertake an urgent review of the building certification system in NSW and consider the following:

- Ensure that certifiers who have been banned, be prohibited from being employees, consultants, directors or shareholders of entities providing such services.
- Apply more scrutiny when determining the competence of applicants seeking various categories of accreditation under the accreditation scheme adopted under the *Building Professionals Act 2005*.
- Deal more stringently with incompetent private accredited certifiers who assess, approve and certify development that does not comply with planning instruments and development regulations.
- Establish a process whereby the local council appoints the building certifier and the principal certifying authority (PCA) through an established local building certifier panel ensuring that there is no connection between the builder and the regulator.

Orange City Council**Private certifiers**

That the NSW Government undertakes a review of the private certifiers, including a survey of local councils, to determine whether private certifiers are acting in a consistent manner with their obligations and consistent with the planning policies of local councils.

Willoughby City Council**Principal Certifying Authority system in NSW**

That Local Government NSW conducts a comprehensive urgent investigation and review of the Principal Certifying Authority (PCA) system in NSW.

15 Moree Plains Shire Council**Local Environmental Plan processes**

That Local Government NSW commends the Minister for Planning, the Hon. Anthony Roberts MP, for implementing the role of Chief Planner of NSW. Further, that the Minister be requested to initiate a review of the "Gateway" mechanism so that this operates on faster timeframes as was the case when the process was initiated, to complement the other recent improvements to Local Environmental Plan processing.

Decision:**Amendment:**

That Local Government NSW commends the Minister for Planning, the Hon. Anthony Roberts MP, for implementing the role of Chief Planner of NSW. Further, that the Minister be requested to initiate a review of the "Gateway" mechanism for rural and regional councils so that this operates on faster timeframes as was the case when the process was initiated, to complement the other recent improvements to Local Environmental Plan processing.

Amendment becomes the motion**Carried**

16 Tweed Shire Council**Noise impacts for unit holders**

That Local Government NSW requests the NSW Government review their controls for noise impacts from units holders on the unit holders below them, including but not limited to the exempt and complying provisions for floor coverings, that enable unlimited noise impacts for units built prior to the 2016 Building Code of Australia (BCA), and up to 62 L'nT,w for units built subject to the 2016 BCA.

Decision:**Carried****17 Penrith City Council****BCA amendments to minimum door widths and hand rails**

That Local Government NSW seeks the following amendments to the Building Code of Australia (BCA):

- An increase in the height requirements for handrails; and
- An increase to the minimum door widths from 820mm to 920mm.

Decision:**Carried****Procedural motion:**

Debate motions 18 and 19, then 20 separately.

Carried**18 Bega Valley Shire Council****Deemed refusals**

That Local Government NSW lobbies the Minister for Planning to seek more resources to assist councils to quickly determine development applications and therefore reduce the numbers of deemed refusals.

Amendment

- That Local Government NSW lobbies the Minister for Planning to seek more resources to assist councils to quickly determine development applications and therefore reduce the numbers of deemed refusals.
- That LGNSW also lobbies the Minister for Planning to extend the current 40 day period with in with councils must determine DAs.
- Investigate options with suitable educational institutions for the introduction of an appropriate qualification/training program to help address the scarcity of assessors.

Amendment lost**Amendment**

- That Local Government NSW lobbies the Minister for Planning to seek more resources to assist councils to quickly determine development applications and therefore reduce the numbers of deemed refusals.
- DA applicant gives the council 3 weeks' notice that it intends to refer decision to the Land and Environment Court.

Amendment becomes the motion**Carried**

19 City of Parramatta**Court appeals of Planning Panel decisions**

That Local Government NSW advocates that the NSW Government work with NSW councils to address the legal costs associated with court appeals in the Land and Environment Court when a State or Local Planning Panel did not resolve in line with a staff recommendation.

Decision:

Carried

Procedural motion:

Move forward motion 97.

Carried

Procedural motion:

That the members of Tumbarumba be allowed to observe during motion 97 debate.

Carried

97 Lane Cove Council**Forced council amalgamations**

That Local Government NSW lobbies for a change to the Local Government Act to prevent the forced amalgamation of councils without the support of a plebiscite.

Decision:**Amendment:**

That Local Government NSW lobbies for a change to the Local Government Act to prevent the forced amalgamation of councils or significant boundary alteration without the support of a plebiscite.

Amendment becomes the motion

Further amendment:

That Local Government NSW:

- gives solidarity with the people of Tumbarumba and Gundagai as they seek to demerge from their forceably amalgamated councils and similarly supports any other communities that seek to demerge from a forceably amalgamated council
- lobbies for a change to the Local Government Act to prevent the forced amalgamation of councils or significant boundary alteration without the support of a plebiscite.

Amendment becomes the motion

Carried

20 Tweed Shire Council**DA appeal rights**

That the NSW Government takes immediate action to amend the *Environmental Planning and Assessment Act 1979* to enable a provision for third party merit appeal rights in respect of all categories of development applications, particularly local developments.

Decision:

Carried

21 Board**Federal planning partner**

That Local Government NSW makes representations to the Federal Government to seek a commitment to working with local government as a partner from the outset in the development of planning policies relating to:

- a. The development of cities and regions;
- b. Infrastructure requirements, including those related to catering for the impact of population growth; and
- c. Telecommunications requirements, including the provision and location of mobile towers.

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

Decision:**Carried****Cabonne Council****Federal Government population policy**

That Local Government NSW makes representations to ensure that local government has a seat at the table when policy is developed for population growth targets, especially as they impact on non-metropolitan areas where infrastructure planning has been neglected at a State and Federal level.

Randwick City Council**Authorisation of mobile phone antenna locations**

That Local Government NSW lobbies the Federal Minister for Communications, Senator the Hon. Mitch Fifield, requesting that local governments be given greater authority as to the placement of these mobile phone antennas within local government areas (LGAs).

22 Board**State planning partner**

That Local Government NSW makes representations to the NSW Government to seek a commitment to working with local government as a partner from the outset in the development of planning policies relating to:

- a. Legislative reforms;
- b. Community facility requirements, including those related to the provision of open space arising from major residential and commercial developments;
- c. Infrastructure requirements, including those related to the settlement of refugees and migrants; and
- d. Government land and property requirements, including early consultation in the disposal of government property.

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

Decision:**Carried****Hornsby Shire Council****Disposal of State Government owned property**

That Local Government NSW writes to relevant NSW Government ministers requesting that Property NSW be required to formally recognise local councils as stakeholders in the process of the disposal of NSW Government owned property in NSW. This is to be achieved by Property NSW ensuring that the local council where the property for disposal is located is included in the initial consultative process prior to disposal of the property.

City of Parramatta**Benchmarks for community facilities and open space**

That Local Government NSW advocates that the NSW Government co-design with local government representatives a suite of mandatory minimum benchmarks for the provision of community facilities and open space that is part of all major residential and commercial developments across the State.

Shoalhaven City Council**Recognition of councils as planning partners**

That Planning NSW recognise that NSW councils are planning partners and implement a communications approach that informs councils in detail and advance of planning changes and provides direction which is meaningful and relevant to all councils across the State.

Fairfield City Council**Refugee settlement support for LGAs**

That:

- a) State and Commonwealth governments prioritise increased or enhanced community infrastructure alongside settlement services in local government areas (LGAs) that settle large numbers of refugees.
- b) Local government be included in planning the resettlement of migrants, especially refugees, in acknowledgement of their role in facilitating community cohesion and providing community infrastructure at a local level.

23 City of Canterbury Bankstown**Open space levy**

That this Conference call upon the NSW Government to introduce a metropolitan-wide open space levy on development for the purpose of funding investment in regional, district and local level open space and recreation areas.

Decision:
Carried

24 Tweed Shire Council**Primitive camping: flexible licensing framework**

That Local Government NSW advocates to the NSW Cabinet and Minister for Planning and Environment to undertake an evaluation of the environmental, social and economic benefit of permitting Primitive Camping as 'Exempt Development' to:

- Support and grow regional economies through direct and indirect visitor spend;
- Provide additional income streams to farmers during periods of income stress;
- Broaden the opportunity for short-term or temporal tourism;
- Support other recreation or tourist attractions during major events; and
- Provide an alternative low impact camping option to the traditional camping grounds.

Decision:

Procedural motion:

That the motion be put.

Carried

Motion Lost

25 Camden Council**School off-street drop off and pick up zones**

Local Government NSW writes to and engages with the NSW Department of Planning, Minister for Education and Minister for Roads, Maritime and Freight to develop a mandatory provision that any new schools constructed in a local government area provide appropriately-sized off-street drop off and pick up zones.

Decision:
Carried

26 Mosman Council**Improved parking signs**

That Local Government NSW continues to lobby the Roads and Maritime Services to identify the progress of the matter since the 2014 resolution and that Mosman Council to be nominated to become a pilot local government area for this initiative.

Decision:
Carried

27 Gilgandra Shire Council**Inland rail consultation process**

That Local Government NSW make representations to Federal Government and the Australian Rail Track Corporation (ARTC) in relation to the Inland Rail issues such as transparency, accountability and the consultation process.

Decision:
Carried

28 Liverpool City Council**Train services**

That Local Government NSW contacts Transport NSW and advocates on behalf of councils for the following changes to the train timetables:

- More express services;
- More frequent and better quality services; and
- More services to new centres in growth areas.

Decision:**Amendment:**

That Local Government NSW contacts Transport NSW and advocates on behalf of councils for the following changes to the train timetables:

- More express services;
- More frequent and better quality services; and
- More services to new centres in growth and regional areas.

Amendment becomes the motion

Carried

29 Greater Hume Shire Council**Funding for first/last mile road projects**

That Local Government NSW lobbies the Federal and State Governments for additional recurrent funding for the improvement and enhancement of first/last mile roads.

Decision:

Carried

30 Moree Plains Shire Council**Cost-benefit ratios and rural/regional roads**

That Local Government NSW makes representation to the Treasurer of NSW, the Hon. Dominic Perrottet MP, to instigate a review of Treasury's *NSW Government Guide to Cost-Benefit Analysis* guidelines as they apply to regional NSW road and other transport projects. In particular, that the Government consider the following factors in determining the value of projects:

- The benefits to primary sector productivity of areas of high production so that these benefits can be considered as part of transport project justification;
- the achievement of social equalisation between rural and urban communities (access to education, health and wellbeing, emergency services and general social connectivity); and
- recognition of the additional costs that arise from reactive soil types both for construction and long-term maintenance.

Decision:

Carried

31 Gunnedah Shire Council**Aviation**

That Local Government NSW lobbies the Commonwealth Government to consider:

- a. increasing the availability of slots for regional air services into Kingsford Smith International Airport;
- b. reserving the availability of underutilised slots at Kingsford Smith International Airport incurred as a result of the current pilot shortage;
- c. investigating an assistance package to increase available pilot numbers for airlines servicing regional airports; and
- d. investigating the significant decline in the civil aviation industry, including pilot training and the current shortage of Australian trained pilots with the aim to put in place appropriate measures to revitalise all sectors of the civil aviation industry.

Decision:**Amendment:**

That Local Government NSW lobbies the Commonwealth Government to consider:

- a. increasing the availability of slots for regional air services into Kingsford Smith International Airport;
- b. reserving the availability of underutilised slots at Kingsford Smith International Airport incurred as a result of the current pilot shortage;
- c. investigating an assistance package to increase available pilot numbers for airlines servicing regional airports; and
- d. investigating the significant decline in the civil aviation industry, including pilot training and the current shortage of Australian trained pilots with the aim to put in place appropriate measures to revitalise all sectors of the civil aviation industry.

That the improvement in availability in regional air slots does not impact on current curfews or increase total number of flights within existing caps.

Amendment Lost**Motion Carried****32 Liverpool City Council****River highways**

That Local Government NSW advocates on councils' behalf for State and Federal Government support for the development of river highways across the State.

Decision:**Amendment**

That LGNSW advocates on councils behalf for State and Federal Government support for serious consideration of the economic, social and environmental costs and benefits of river highways across the state.

Amendment becomes the motion**Carried****33 Tenterfield Shire Council****Timber bridge funding**

That Local Government NSW lobbies the NSW Government to modify the present application process for infrastructure grants in favour of direct grants to councils using a similar formula to the Federal Government Assistance Grants (FAGs).

Decision:**Carried**

34 Albury City Council**Impact of river levels on tourism**

That Local Government NSW makes representations to the Murray Darling Basin Authority requesting it:

- take into account how river levels impact on Basin communities during peak tourism periods, including but not limited to Christmas and school holidays, Australia Day and Easter; and
- in consultation with environmental water holders, regulate river flows to the greatest extent possible to ensure positive social, economic and environmental outcomes are achieved.

Decision:**Carried****35 Blacktown City Council****Stormwater levy – indexation of revenue**

That Local Government NSW lobbies the NSW Government to amend the regulations regarding stormwater management services, to provide indexation of revenue raised from a stormwater levy in line with the rate peg.

Decision:**Carried****36 Edward River Council****Murray Darling Basin Plan - dilution flows**

That Local Government NSW calls on the NSW Government to thoroughly investigate the current requirements for the volume of dilutions flows which are held in storage, and work with other States to reduce the storage volumes of water held for future dilution flows.

Decision:**Carried****37 Hornsby Shire Council****Sydney Water sewage system licences**

That Local Government NSW calls upon the NSW Environment Protection Authority (EPA) to improve its sewerage system licenses by applying a continuous improvement standard where periodically the levels of pollutants allowed to be discharged by sewage treatment plants and their reticulation systems is reduced over time.

Decision:**Carried****38 Randwick City Council****Undergrounding of power lines**

That Local Government NSW attempts to bring down the prohibitive cost of undergrounding power lines by lobbying the NSW Government to amend the *Electricity Network Assets (Authorised Transactions) Act 2015* to end the monopoly that Ausgrid has as a result of the regulatory and legislative framework in undertaking these works.

Decision:**Carried**

39 Wagga Wagga City Council**Use of Snowy Hydro sale proceeds**

- That the NSW Government allocate some of the proceeds from the sale of Snowy Hydro towards the following:
 - o Funding towards infrastructure backlog projects that aren't aligned with grant funding opportunities to assist councils with upgrading and maintaining critical assets such as roads and bridges.
 - o The establishment of an engineering scholarship program to help address a shortage of qualified engineers, particularly in regional areas.

Decision:
Carried

40 Albury City Council**Southern Lights Project**

That Local Government NSW request that, as a matter of urgency, the NSW Government support and fund the Southern Lights Project which includes the conversion of street lighting in non-metropolitan NSW to state-of-the-art LED lighting fitted with smart control technology.

Decision:
Carried

41 Tweed Shire Council**Natural disasters**

That Local Government NSW requests the NSW Government to recognise the significant environmental damage caused by natural disasters, such as the March 2017 event on the Far North Coast which caused significant riverbank erosion, landslips and weed intrusion post the event, and allocates funding in addition to the National Disaster Relief and Recovery Arrangements to ensure that the natural environment is also rehabilitated to restore functioning of critical or important eco systems.

Decision:
Amendment

That Local Government NSW requests the NSW Government to recognise the significant environmental damage caused by natural disasters, such as the March 2017 event on the Far North Coast which caused significant riverbank erosion, landslips and weed intrusion post the event, and allocates funding in addition to the National Disaster Relief and Recovery Arrangements to ensure that the natural environment is also rehabilitated to restore functioning of critical or important eco systems.

That LGNSW advocates to Federal and State Government to streamline NDRRA in order to facilitate faster payments of funding so that impacted councils can meet community expectations to recover in a reasonable time frame.

Amendment becomes the motion

Carried

3. ENVIRONMENTAL POLICY

42 Board

Waste levy distribution

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).
- 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.

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

Decision:

Amendment:

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; waste to energy, marketing and strategies, that promote and support a circular economy.

Amendment becomes the motion

Carried

Blacktown City Council

Resource recovery locations

That Local Government NSW calls on the NSW Government to support the implementation of the following District Plan actions:

- Protect existing and identify new locations for waste recycling and management
- Support innovative solutions to reduce the volume of waste and reduce waste transport requirements

by providing additional funds for each location from the Section 88 (waste) levy, so that new infrastructure is commissioned that supports precinct-based waste collection, reuse and recycling.

Central Coast Council

Waste levy revenues

That Local Government NSW calls on the NSW Government to return to the councils all waste levy revenues collected to fund their councils' waste and recycling initiatives. Furthermore that the NSW Government undertake a thorough review of the classification of councils for the purpose of raising the levy.

Cessnock City Council

Recycling crisis - funding support

That Council:

1. Notes China's recent refusal to accept recyclable waste from Australia and other countries as part of its China National Sword Policy.
2. Notes the policy paralysis as local government tries to grapple with the resultant build-up of recyclable waste that it continues to collect from its residents.
3. Notes there was \$737 million collected by the NSW Government in the last financial year, as a result of the waste levy collected from local government.
4. Notes only 18% of the \$737 million was returned to local government in that time for research, development and investment in waste recycling practices.
5. Requests the return of a greater share of the waste levy back to local government to enable the sector greater assistance in dealing with the current recycling crisis.
6. Supports the Hunter Joint Organisation Sub Committee (Circular Economy Working Party) in creating a Circular Economy through the establishment of a recycling facility in the Hunter, and nominate the Kurri Kurri Precinct as a potential location.

7. Writes to the NSW Premier, the Hon. Gladys Berejiklian MP; Parliamentary Secretary for Planning, the Central Coast and the Hunter, Scot MacDonald MLC; Minister for the Environment, Minister for Local Government, and Minister for Heritage, the Hon. Gabrielle Upton MP; and State Member for Cessnock, Mr Clayton Barr MP seeking their support for Council's position and the future of waste recycling in this State.

City of Ryde**Revenue raised by the waste levy**

That Local Government NSW:

- a) Calls on the NSW Government to return more of the revenue raised by the waste levy to local government to help develop more local soft plastic recycling facilities in NSW.
- b) Notes that presently, only 18% of revenue collected from the NSW waste levy is returned to local government.
- c) Calls on the NSW Government to:
 - a. Return a larger percentage of the waste levy to local government and through designated agencies/Departments, increase the variety, amount and value of grants available to local government for:
 - i. Local community waste recovery facilities, repair spaces and associated human resources.
 - ii. The purchase of new technologies in recycling infrastructure, which will aid local circular economies.
 - iii. Funding a wider range of sustainability initiatives not excluding signage, marketing, translation services, consultancy and strategy services.
 - b. Allocate substantially more of the revenue raised from the NSW waste levy on developing either or both:
 - i. State owned soft plastic recycling facilities, and/or
 - ii. Incentives for the commercial waste recovery sector to build more soft plastic recycling facilities that are more easily accessible to NSW local government areas (LGAs).

Federation Council**Waste resources**

That Local Government NSW lobbies the NSW Government to develop more regional and region specific solutions for sustainable waste management in the regions (including plastic bags, green waste, renewable/alternative energy including waste for energy).

Gwydir Shire Council**Tyre recycling**

That the NSW Government establish a program utilising funds from the waste levy to develop tyre recycling infrastructure serving regional areas

Hornsby Shire Council**Increase in grant funding for waste levy program**

That Local Government NSW lobbies the NSW Government to significantly increase the annual amount of grant funding available for local councils under the Waste Less Recycle More, Waste Levy Program to broadly support waste related initiatives of local government.

Leeton Shire Council**Increase of waste levy distribution**

That Local Government NSW lobbies the NSW Government to:

- a) Implement the recommendations of the Senate Environment and Communications References Committee Inquiry into waste and recycling, specifically:
 - Recommendation 16: 8.75 - The committee recommends that the Australian Government assist State and Territory governments to ensure that landfill levies in proximate jurisdictions are such that there is a no incentive to transport waste for levy avoidance purposes.
 - Recommendation 17: 8.76 - The committee recommends that the Australian Government support State and Territory governments fully hypothecating landfill levies towards measures that reduce the creation of consumption and waste, and that increase the recycling of waste materials.
- b) Meet the objectives of Recommendation 17 above by increasing the distribution of levies collected under the *Protection of the Environment Operations (Waste) Regulation 2014* (the Waste Regulation) to those organisations from which it is collected.

Shoalhaven City Council**POEO Levies**

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* (POEO) be used for waste infrastructure and programs.

43 Tweed Shire Council**Recycled products and procurement**

That Local Government NSW:

- i. works with the State and Commonwealth Governments to establish mandatory components of recycled products such as glass bottles and concrete.
- ii. lobbies State and Commonwealth Governments to work with local government and that all three tiers of Government adopt procurement guidelines and purchasing policies that foster market development for recycled products.

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

Decision:

Carried

Lake Macquarie City Council**Support for recycle end markets**

That Local Government NSW and delegates work collaboratively with the NSW and Federal Governments to support the development of end markets for kerbside recycle, particularly through committing to procure recycled glass, paper and plastic products for use in their own operations.

44 Bayside Council**Illegal waste dumping**

That Local Government NSW lobbies the NSW Government to make changes to the *Protection of the Environment Operations Act 1997* to enable local government to issue fines and penalty amounts equivalent to the NSW Environment Protection Authority (EPA) for illegal dumping. The current applicable penalties/fines, set at the current rates, do not discourage nor prevent rogue operators from illegally dumping larger quantities of material throughout local government areas. New penalties/fines should be identical whether issued by local government or the NSW EPA.

Decision:

Carried

45 Orange City Council**Waste management**

That Local Government NSW places the highest priority over the next 12 months on working with the NSW and Australian Governments to progress development of sustainable, long-term solutions to the current recycling crisis which aim to:

- give certainty to local councils;
- limit the financial impact on ratepayers; and
- create economically and environmentally sustainable industries based on recycling our waste in Australia.

Decision:

Carried

46 Lake Macquarie City Council**Reusable, recyclable or compostable packaging**

Call on the NSW Government to publish a plan to implement the Council of Australian Government's target that 100% of Australian packaging be recyclable, compostable or reusable by 2025 or earlier.

Decision:

Carried

47 Bourke Shire Council**Disposal of syringes and other sharps**

That the NSW Ministry of Health be asked to:-

- Reinststate the Community Sharps Program to assist in the provision of funding to purchase sharps bins/containers, signage and to assist to raise awareness of the dangers of incorrect disposal of needles and other sharps. The cost of collecting and managing sharps that are indiscriminately disposed of in towns across NSW is yet another burden that councils have to carry.
- Work with sharps manufacturers and suppliers to introduce a producer responsibility approach for sharps, whereby the industry assists with the costs of managing their products.

Decision:

Carried

48 Coffs Harbour City Council**Landcare funding**

That Local Government NSW:

1. Writes to the NSW Minister for Primary Industries and to the Federal Minister for Environment and Energy and to the Federal Minister for Agriculture and Water Resources to seek reinstatement of funding streams available for Landcare.
2. Recognises that reduction in Landcare funding represents a cost shift to councils.

Decision:

Carried

49 Gilgandra Shire Council**Diversion of overland water flow**

That Local Government NSW lobbies the NSW Government to review the impact of farming practices and soil conservation methods which are resulting in the diversion of overland water flows, creating adverse impacts on local roads and adjoining properties. Further, affected landholders should be supported by NSW Government advisory and support services to assist in addressing these impacts.

Decision:

Carried

50 Lake Macquarie City Council**Vegetation protection**

That Local Government NSW calls on the NSW government to review current legislative arrangements and support available to local government for regulating vegetation in urban and environmental areas, and to consider preparing a Vegetation Act in consultation with local government to support this policy priority.

Decision:

Carried

51 Albury City Council**Management of cats**

That Local Government NSW requests the NSW Government to review the provisions for cat management and control under the *Local Government Act 1993*, the *Companion Animals Act 1998* and associated Regulations including enabling councils to effectively manage the nuisance effects of cats on residents and wildlife.

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

Decision:**Amendment:**

That Local Government NSW requests the NSW Government to review the provisions for cat management and control under the *Local Government Act 1993*, the *Companion Animals Act 1998* and associated Regulations including enabling councils to effectively manage the nuisance effects of cats on residents and wildlife. Further, the government look at ways of streamlining the process of animal registration.

Amendment becomes the motion

Carried

Wollondilly Shire Council**Nuisance cats**

That Local Government NSW writes to the Minister for Local Government seeking amendments to the *Companion Animals Act 2008* to require:

- 1.1 the owner of a cat to take all reasonable precautions to prevent cats from escaping from the property on which it is ordinarily kept and that similar penalties apply for straying/nuisance cats as it does for straying/nuisance dogs;
- 1.2 compulsory de-sexing of cats unless a person is a registered breeder;
- 1.3 limiting the number of cats per household;
- 1.4 streamlining the animal registration system to make it easier to register pets; and
- 1.5 increasing penalties to owners whose animals are repeatedly seized in wildlife protection areas.

52 Randwick City Council**Electromagnetic Energy Reference Group**

That Local Government NSW:

1. Notes that the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) has established an Electromagnetic Energy Reference Group (EMERG) to enable input from the community and other stakeholders on issues relating to electromagnetic energy (EME) and health.
2. Writes to ARPANSA requesting that the ARPANSA seek nominations from councils to be on the EMERG to advocate for local issues relating to EME and human health.

Decision:

Carried

53 Warrumbungle Shire Council**Notification of building fires to council**

That a formal written notification procedure be developed whereby emergency services are required to inform the local council authority within two days when a building fire occurs within their local government area.

Decision:

Carried

54 City of Parramatta**Costs of domestic asbestos waste disposal**

That:

- (i) Local Government NSW, and its member Councils, acknowledge the significant risks to the environment and human health by asbestos in all its forms, and acknowledge that these risks make asbestos and products containing it unsuitable for recycling.
- (ii) Local Government NSW and its member Councils acknowledge that the costs of removing and safely disposing of asbestos waste are prohibitive for the average resident.
- (iii) That member Councils reaffirm their support for previous motions seeking the removal of the waste levy for the disposal of asbestos containing materials.
- (iv) Further that, in acknowledgement of the risks and challenges associated with asbestos, Local Government NSW advocates to the NSW Government seeking:
 - (a) Removal of the s88 (PoEO Act) Waste Levy for domestic asbestos waste, and
 - (b) Enabling the disposal of domestic asbestos containing materials (i.e. the tipping fee – but not the costs of removal and/or transporting) free of charge, with this disposal funded/subsidised from the s88 Levy on other – non asbestos waste types.

Decision:

Carried

**55 Lane Cove, Hornsby Shire, and
Hunters Hill Councils****Review of the 10/50 Vegetation
Clearing Scheme**

That Local Government NSW calls on the NSW Government to undertake a formal review of the 10/50 Vegetation Clearing Scheme including:

- i. an assessment of the effectiveness of the entitlement areas in reducing bushfire hazard to people and property;
- ii. an assessment of the impacts of the introduction of the 10/50 Vegetation Clearing Code on tree canopy cover in entitlement areas;
- iii. an appraisal of reducing the entitlement area noting the implications of reduced canopy cover; and
- iv. Any unintended/unforeseen consequences on vegetation resulting from the introduction of the scheme.

Decision:

Carried

56 Cabonne Council**Right to farm**

That Local Government NSW lobbies the NSW Government for legislation to ensure food security and sustainability for future generations, including introduction of legislation to protect the 'right to farm'.

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

Decision:**Amendment:**

That Local Government NSW lobbies the NSW Government for legislation to ensure food security and sustainability for future generations, including introduction of legislation to protect the 'right to farm'.

That the right to farm provisions exclude unsustainable industrial scale farming.

Procedural motion:

That the amendment be put.

Carried

Amendment Lost**Procedural motion:**

That the Motion be put.

Carried

Motion carried**Tweed Shire Council****Right to farm**

That Local Government NSW advocates to the NSW Cabinet and Minister for Planning and Environment for the principles of 'Right to Farm' to be embedded within the planning legislation in such a way that consideration of the principle is accorded the same legal weight in decision making processes as are other significant factors affecting the State of NSW such as; economic, social and environmental considerations.

57 Narrandera Shire Council**Biosecurity**

That Local Government NSW lobbies the NSW Government for increased funding for the implementation of the *Biosecurity Act 2015* and encourage all member councils to develop and implement policies that facilitate achievement of the objectives of the Act and the Regional Strategies.

Decision:

Carried

58 Tenterfield Shire Council**Harmonised biodiversity legislation**

That councils lobby State and Federal Governments to introduce harmonised biodiversity legislation with a view to improving dam/river catchment volumes and increased creek flows by returning the landscape to woodland and removing excess vegetation in riparian zones.

Decision:

Lost

That the NSW Government be called upon to deliver on their climate change policy framework and develop programs with tangible outcomes to meet the aspirational long-term objectives of achieving net-zero emission by 2050 and a community more resilient to a changing climate. This includes initiatives to:

- a) Update State Environmental Planning Policies to achieve improvements in liveability and sustainability of housing to:
 - ensure developments and precincts include measures to alleviate the urban heat island effect.
 - apply higher Building Sustainability Index (BASIX) targets and include other sustainability outcomes.
 - enable innovative approaches to community and public transport.
 - improve provisions to ensure the resilience of housing stock.
- b) Provide greater support to local government for coastal management especially in areas experiencing erosion exacerbated by state and federal infrastructure e.g. airports, ports and breakwaters.
- c) Set a renewable energy target of 40% by 2025 to support investment and market confidence in renewable energy projects.
- d) Support the community and business build resilience to current and future climate risks.

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

Decision:

Amendment:

That the NSW Government be called upon to deliver on their climate change policy framework and develop programs with tangible outcomes to meet the aspirational long-term objectives of achieving net-zero emission by 2050 and a community more resilient to a changing climate. This includes initiatives to:

- a) Update State Environmental Planning Policies to achieve improvements in liveability and sustainability of housing to:
 - ensure developments and precincts include measures to alleviate the urban heat island effect.
 - apply higher Building Sustainability Index (BASIX) targets and include other sustainability outcomes.
 - enable innovative approaches to community and public transport.
 - improve provisions to ensure the resilience of housing stock.
- b) Provide greater support to local government for coastal management especially in areas experiencing erosion exacerbated by state and federal infrastructure e.g. airports, ports and breakwaters.
- c) Set a renewable energy target of 40% by 2025 and 100% by 2030 to support investment and market confidence in renewable energy projects.
- d) Support the community and business build resilience to current and future climate risks.

Amendment Lost

Amendment:

That the NSW Government be called upon to deliver on their climate change policy framework and develop programs with tangible outcomes to meet the aspirational long-term objectives of achieving net-zero emission by 2050 and a community more resilient to a changing climate. This includes initiatives to:

- a) Update State Environmental Planning Policies to achieve improvements in liveability and sustainability of housing to:
 - ensure developments and precincts include measures to alleviate the urban heat island effect.
 - apply higher Building Sustainability Index (BASIX) targets and include other sustainability outcomes.
 - Consider sustainability options including rewarding those who retrofit existing houses and buildings by rate reductions subsidised by the state government

- improve provisions to ensure the resilience of housing stock.
- b) Provide greater support to local government for coastal management especially in areas experiencing erosion exacerbated by state and federal infrastructure e.g. airports, ports and breakwaters.
- c) Set a renewable energy target of 40% by 2025 to support investment and market confidence in renewable energy projects.
- d) Support the community and business build resilience to current and future climate risks.

Amendment Lost

Motion carried

Albury City Council

Development control plan

That Local Government NSW requests the NSW Government to review and improve provisions for sustainable development in NSW including BASIX and State Environmental Planning Policy (Exempt and Complying Development) provisions to enable sustainability outcomes and enhanced capacity to pursue energy resilience.

Bayside Council

Foreshore public assets

That Local Government NSW lobbies the NSW Government to ensure safe access to the recreational and cultural foreshore public assets are maintained for future generations by:

1. taking a proactive role in monitoring coastal hazards and the condition of the foreshore;
2. planning actions to prevent environmental degradation of the foreshore area; and
3. allocating resources to respond to coastal erosion issues.

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.

Orange City Council

Renewable energy

That Local Government NSW lobbies the NSW Government to adopt renewable energy targets that at least match those set by Victoria - 25% by 2020 and 40% by 2025 - as a key step in achieving the Government's goal of net-zero emissions by 2050, and in order to demonstrate leadership to the community and provide local government, industry and individual consumers with the certainty and confidence to invest in renewable energy projects.

Shoalhaven City Council

CZMP acceleration and resourcing

That the NSW Minister for the Environment accelerates consideration of the Coastal Zone Management Plans (CZMPs) and provides adequate resources to councils to support infrastructure along the coast.

Hornsby Shire Council

Building Sustainability Index (BASIX)

That Local Government NSW calls upon the NSW Government to review and raise the targets used by the Building Sustainability Index (BASIX).

Wollondilly Shire Council

Urban heat island effects

That:

1. Local Government NSW writes to the NSW Minister for Planning, calling for all new State-led policies and planning instruments that apply to greenfield estates, to achieve improvements in liveability and sustainability through a consistent approach for alleviating the "urban heat island effect". This should be supported by applying best practice in energy saving and water saving/recycling in new developments and by introducing controls to enable innovative approaches for access to community/public transport.
2. A copy of the letter be provided to the Greater Sydney Commission seeking the same support.

4. SOCIAL POLICY

60 Board

Libraries

That Local Government NSW acknowledges the NSW Government's recent investment in libraries and continues to work with the NSW Public Libraries Association to lobby the NSW Government for a sustainable funding model for NSW libraries.

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

Decision:

Amendment:

That this Conference:

- Acknowledges, following the 2017 Conference resolution, the partnership between LGNSW and NSW Public Libraries (NSWPLA) that has led to the launch of "Renew our Libraries" during Local Government Week on 1 August 2018;
- Acknowledges the positive support of local councils and their communities across NSW for Renew our Libraries and affirms our commitment to ongoing advocacy to increase NSW Government funding to Council-run public libraries;
- Expresses its disappointment and dismay that the NSW Government cut funding to public libraries in the 2018-2019 budget; and
- Calls on all political parties in the State parliament in the lead up to the State Election to commit to urgently doubling the funding to public libraries and to creating a sustainable funding model to build the libraries of the future.

Amendment becomes the motion

Carried

Blue Mountains City Council

Renew Our Libraries

That this Conference:

- Acknowledges, following the 2017 Conference resolution, the partnership between LGNSW and NSW Public Libraries (NSWPLA) that has led to the launch of "Renew our Libraries" during Local Government Week on 1 August 2018;
- Acknowledges the positive support of local councils and their communities across NSW for Renew our Libraries and affirms our commitment to ongoing advocacy to increase NSW Government funding to Council-run public libraries;
- Expresses its disappointment and dismay that the NSW Government cut funding to public libraries in the 2018-2019 budget; and
- Calls on all political parties in the State parliament in the lead up to the State Election to commit to urgently doubling the funding to public libraries and to creating a sustainable funding model to build the libraries of the future.

Gunnedah Shire Council

Reverse funding cuts for public libraries

That Local Government NSW calls upon the NSW Government to reverse their decision in regards to funding cuts for public libraries.

Lane Cove Council

Restoration of public library funding cuts

That Local Government NSW calls on the NSW Government to restore and increase and funding for Public Libraries.

Leeton Shire Council

Library funding reform

That:

1. This gathering acknowledges the announcement by the NSW Minister for Arts of \$60 million in funding for libraries within NSW.
2. Local Government NSW continues to lobby the NSW Minister for Arts to:
 - Formally adopt the recommendations of the Library Council of NSW in its Reforming Public Library Funding submission,
 - double the funding for public libraries, and;
 - create a long term, sustainable funding model to invest in our libraries into the future.

Tamworth Regional Council

NSW public library funding

That Local Government NSW continues to lobby the State Government to secure and increase the funding to NSW public libraries.

Warren Shire Council

Library and arts funding

That Local Government NSW continues to pursue the NSW Government to increase capital and ongoing funding of libraries and arts centres across NSW.

Wingecarribee Shire Council

Public libraries awareness and funding

That Local Government NSW continues to work with the NSW Public Libraries Association (NSWPLA) to promote its strategic partnership to:

- a) Increase public awareness of the multiple roles that local government public libraries play in supporting the education, social, cultural and economic outcomes in local communities.
- b) Advocate, in the lead up to the March 2019 State Election, for improved State Government funding for local government public libraries in NSW to enable public libraries to meet the growing needs of our local communities.

61 Lane Cove Council **Statewide library management system for all NSW councils**

That Local Government NSW calls on the NSW Government to investigate development and introduction of a Statewide library management system to provide communities throughout NSW greater access to larger collections and library resources and materials.

Decision:
Carried

62 Liverpool City Council **Problem gambling**

That Local Government NSW:

- provides research and resources to support councils in NSW developing and implementing Gambling Harm Prevention policies, and
- calls upon Liquor and Gaming NSW and the relevant Minister and advocate for local governments to have a greater say in the placement of poker machines.

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

Decision:

Procedural motion:

That the Motion be put.

Carried

Motion Lost

Byron Shire Council **Gambling Harm Prevention policies**

That Local Government NSW provides research and resources to support councils in NSW developing and implementing Gambling Harm Prevention policies.

63 Carrathool Shire Council **Resources for rural crime officers**

That Local Government NSW lobbies the NSW Government to allocate more resources for increased police numbers particularly rural crime officers in Western NSW Southern Region (Murrumbidgee Police District) to address concerns over community safety, rural thefts, vandalism problems with unacceptable response times on many occasions.

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

Decision:
Carried

Narrandera Shire Council **Police staffing levels**

That Local Government NSW lobbies the NSW Government to cease the practice of not replacing police that are on leave especially extended leave and implement a system where the authorised numbers of positions in stations are maintained.

Narrandera Shire Council **Police recruitment**

That Local Government NSW lobbies the NSW Government to implement an incentive scheme to assist in attracting and recruiting police to rural and regional areas.

64 Lane Cove Council**Review of arts and cultural policy regions**

That Local Government NSW calls on the NSW Government to review the impacts of the current model of grouping of local government areas into only three distinct regions in the State Government's arts and cultural policy framework and the resulting impact on associated funding priorities. The review to consider and identify:

- (i) any recommendations as to how NSW Government arts and cultural funding can be allocated to better meet and reflect the needs of local communities;
- (ii) should gaps be identified, funding levels to be increased rather than redistributed; and
- (iii) recommendations on how arts and cultural life be incorporated into liveability indicators in place-making and local strategic planning with appropriate Government funding to better support local and district based arts and cultural infrastructure and initiatives. Also how to enhance seeding grants to energise the creative sector at the local level to deliver social and economic benefits.

Decision:
Carried

65 Lane Cove Council**Housing for seniors or people with a disability SEPP**

That Local Government NSW calls on the NSW Government to review the Housing for Seniors or People with a Disability SEPP which is now 14 years old, in particular to remove inconsistencies with other planning instruments, definitions and requirements as follows:

- Zoning and site compatibility requirements for locating the developments.
- The definition of what is included in the calculation of Gross Floor Area, which is inconsistent with the standard instrument Local Environmental Plan.
- The need for design and amenity standards consistent with the Apartment Design Guide.
- The operation and ownership of the Affordable Housing Bonus component.

Decision:
Carried

66 Wagga Wagga City Council**Adult lift and change facilities**

That Local Government NSW lobbies the NSW Government to consider providing lift and change facilities at roadside rest stops at regular intervals along the major highways (under Roads and Maritime Services responsibility).

Decision:
Carried

67 Hay Shire Council**Health in rural areas**

That Local Government NSW calls for the NSW Minister for Health to:

1. Urgently form a joint task force representing local, State and Federal spheres of government, to formulate model financial packages for the engagement of doctors in rural towns, and contribute to those financial packages.
2. Advocate to the Federal Health Minister to ensure that safeguards are in place to prevent GP practices from appropriating patients' medical records and making a profit out of transferring them to incoming practitioners, and to advise councils on best practice legal agreements to secure the services needed and secure the patients' records. A similar motion was passed by a large majority by the National General Assembly calling on the Federal Health Minister.

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

Decision:
Carried

That Local Government NSW lobbies the NSW Government seeking a more equitable distribution of its health infrastructure funding to support current health services in regional and remote NSW.

68 Willoughby City Council**Support the Uluru Statement**

That Local Government NSW:

1. Acknowledges the significance of the Statement of the Heart as an important piece of political writing and gathering of our First Nations' Peoples. The elements of the Statement included a First Nations Voice to speak to Parliament, the establishment of a Makarrata Commission which would oversee truth telling and lay the foundation for a Treaty between Federal and State Governments and First Nation people.
2. Reviews its Aboriginal Affairs policy positions in consultation with its members upon release of the Parliament Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples final report due 29 November 2018.

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

Decision:

Carried

City of Ryde**Uluru Statement from the Heart**

That the Local Government NSW Conference:

Support the Uluru Statement from the Heart.

- (a) Recognise that the Uluru Statement is a clear expression of Aboriginal and Torres Strait Islander Peoples' vision toward Makarrata and reconciliation.
- (b) Acknowledge the challenges in the Uluru Statement and calls on our national parliament to rise to these challenges and to establish a First Nations voice to Parliament.
- (c) Endorse that a statement supporting the Uluru Statement be submitted to the Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples on behalf of LGNSW.

69 City of Ryde**Employment opportunities for persons of ATSI backgrounds**

That this Conference advocates to the Premier of NSW, the Hon. Gladys Berejiklian MP and the Minister for Aboriginal Affairs, the Hon. Sarah Mitchell MLC to amend Section 345 of the *Local Government Act 1993*, relating to the 'Preparation and Implementation of EEO Management Plans', to include an additional subclause as follows:

- An Equal Employment Opportunity Management Plan is to include provisions for targeted programs to increase the employment opportunities for persons of Aboriginal or Torres Strait Islander backgrounds.

Decision:

Carried

70 Mosman Council**Permanently flying the Indigenous Flag on Sydney Harbour Bridge**

That Local Government NSW calls on the NSW Government to support the implementation of a protocol for the permanent flying of the Indigenous Flag, alongside the Australian Flag and the NSW State Flag, from Sydney Harbour Bridge.

Decision:

Carried

71 Wagga Wagga City Council**Native title claim**

That the NSW Government review its decision to pass on responsibility for payment of damages in addition to compensation where a native title claim is determined in favour of a native title interest.

Decision:**Amendment:**

That the NSW Government review its decision to pass on responsibility for payment of damages in addition to compensation where a native title claim is determined in favour of a native title interest. That the NSW State Government fund the adequate funding of training for council staff in the Native Title Act 1993.

Amendment becomes the motion**Carried****72 City of Sydney****Housing affordability**

That Local Government NSW notes:

- a. there is a crisis of housing affordability in NSW, creating unique challenges for both regional and urban areas; and
- b. local government has a key role to play in the easing of this crisis, and in supporting the creation of affordable housing.

That Local Government NSW resolves:

- c. to support the development of affordable housing targets of 25% on government owned land, and the establishment within 12 months of an effective mechanism of inclusionary zoning for privately developed land that responds to local need and context;
- d. to lobby the NSW Government on the issue of affordable housing, expressing the above view; and
- e. to develop strategies to support local councils in NSW in increasing affordable housing in their local government areas.

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

Decision:**Amendment:**

That Local Government NSW notes:

- a. there is a crisis of housing affordability in NSW, creating unique challenges for both regional and urban areas; and
- b. local government has a key role to play in the easing of this crisis, and in supporting the creation of affordable housing.

That Local Government NSW resolves:

- c. to support the development of affordable housing targets of 25% on government owned land, and the establishment within 12 months of an effective mechanism of inclusionary zoning for privately developed land that responds to local need and context;
- d. to lobby NSW Government that suitable Crown Land handed to Local government be purposed operational for affordable housing
- e. to lobby the NSW Government on the issue of affordable housing, expressing the above view; and
- f. to develop strategies to support local councils in NSW in increasing affordable housing in their local government areas.

Amendment Lost**Motion carried**

That Local Government NSW requests the NSW Government to fast track changes to affordable house legislation, committing to build 8,000 - 12,000 affordable homes per year, by having Statewide targets, and especially citywide target of 15% inclusion of affordable housing in major new developments on private lands; and 30% affordable housing on public land, ensuring that the housing is given by developers/State, in perpetuity.

73 Griffith City Council**Affordable housing and homelessness**

That Local Government NSW endorses the 'Everybody's Home Campaign' to end homelessness and provide affordable housing for all Australians.

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

Decision:**Carried****Tweed Shire Council****Homelessness – additional social housing**

That Local Government NSW lobbies the NSW Government to address homelessness as a State issue that requires a strategic targeted response across the continuum of crisis, short term and longer term solutions.

Shoalhaven City Council**Homelessness support programs**

That the NSW Government provide greater funding and implement support programs to address homelessness in communities across the State.

74 Bega Valley Shire Council**Youth crisis accommodation**

That Local Government NSW lobbies the Departments of Health and Housing to establish a fund for youth crisis accommodation, prioritising local government areas currently lacking any appropriate facilities to alleviate this crisis.

Decision:**Carried****75 Bega Valley Shire Council****Stronger Country Communities Fund**

That Local Government NSW requests the Premier and Deputy Premier to commit to the continuation of the very successful Stronger Country Communities Fund as an ongoing funding program with an equitable per capita funding calculation.

Decision:**Carried****5. INDUSTRIAL RELATIONS AND EMPLOYMENT POLICY****76 City of Canterbury Bankstown****Full-time Councillors**

That this Conference calls upon the NSW Government for provisions to be made for full-time councillors in NSW.

Decision:**Amendment**

That this Conference calls upon the NSW Government to investigate options for full-time councillors in NSW.

Amendment becomes the motion

Carried

77 Byron Shire Council**Councillor remuneration and superannuation**

That Local Government NSW:

1. Continues to make submissions to the Local Government Remuneration Tribunal (NSW) during the Tribunal's annual review of the fees payable to councillors and mayors seeking the maximum permissible remuneration increases whilst the NSW Public Sector Wages Policy applies to such increases.
2. Lobbies the NSW Government to repeal Section 242A of the *Local Government Act 1993* (NSW) so that the Local Government Remuneration Tribunal is able to determine fair and reasonable fees for councillors, deputy mayors and mayors, unfettered by the Public Sector Wages Policy.
3. Lobbies the NSW Government to amend Section 241 of the *Local Government Act 1993* (NSW) to remove reference to "maximum and minimum" amounts of fees payable to councillors and mayors, so that the Local Government Remuneration Tribunal determines the actual annual remuneration to be paid to councillors and mayors.
4. Lobbies the NSW Government to amend Section 240(1) of the *Local Government Act 1993* (NSW) to include councils' "financial position and/or performance" as an additional criteria that the Local Government Remuneration Tribunal (NSW) is required to have regard to when determining categories for councils and mayoral offices.
5. Lobbies the NSW Government to amend the *Local Government Act 1993* (NSW) to include provisions similar to those in Section 226 of the *Local Government Act 2009* (QLD) requiring compulsory superannuation for councillors and mayors at the rate equivalent to the rate set out in the *Superannuation Guarantee (Administration) Act 1992* (Cth).

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

**Decision:
Carried**

Bega Valley Shire Council**Councillor and mayoral remuneration**

1. Amend Sections 241 and 242A of the *Local Government Act 1993* to:
 - (a) Require the Local Government Remuneration Tribunal (LGRT), by not later than 1 May in each year, to determine, in each of the categories determined under Section 239, the amounts of fees to be paid during the following year to councillors (other than mayors), deputy mayors and mayors; and
 - (b) Remove the requirement for the LGRT to determine "maximum and minimum" amounts of fees, so that councils are no longer required to determine the annual remuneration to be paid to councillors (other than mayors) and mayors; and
 - (c) Also include a category under Section 240 (1) of the need to take into account each council's financials and performance.
2. Repeal Section 242A of the *Local Government Act 1993*, so that the LGRT is able to determine fair and reasonable fees for councillors, deputy mayors and mayors, unfettered by the Public Sector Wages Policy.

Bellingen Shire Council**Role and remuneration for mayors and councillors**

That Local Government NSW be requested to develop a position paper regarding the role of mayors and councillors and associated remuneration for consideration by the Board of Local Government NSW including broad engagement with the local government sector.

Maitland City Council**Review of categories - Local Government Remuneration Tribunal**

That Local Government NSW writes to the Minister for Local Government, the Hon. Gabrielle Upton MP requesting the support of the Minister for a review of the categories of councils in NSW under the Local Government Remuneration Tribunal (LGRT), including the inconsistencies and vast differences between non-metropolitan categories.

Murray River Council**Increase to mayoral and councillor allowance**

That Local Government NSW advocates to the NSW Government for a review of councillor and mayoral allowances to bring them into line with interstate standards. Specifically Local Government NSW should advocate, that:

1. The government acknowledges a very large discrepancy that exists for the allowances paid to Councillors in NSW compared to other states of Australia.
2. The government acknowledges the significant additional workload imposed on councillors of merged councils due to the significant increases in council area size, population and, in many cases, operational centres.
3. The government acknowledges that the additional time required to discharge their duties imposes significant additional social and economic cost to councillors, particularly those actively involved in business and other employment.
4. The government acknowledges the disincentive represented by these additional costs to the attraction of younger engaged members of the community to stand for election to council.
5. The government undertakes a step wise increase in councillor and mayoral allowances over a suitable period to align them more closely to Victorian rates.

6. The government undertakes to reflect within these rates the additional workload imposed by the size of many council areas particularly those recently merged.

Tweed Shire Council

Superannuation for councillors

That Local Government NSW requests the NSW Government to consider introducing superannuation contributions in addition to councillor fees as the remuneration levels of councillors in NSW is considered inadequate given the increasing complexity of various legislative frameworks and assessments; diversity of functions and the time commitments involved.

78 Bourke Shire Council

Employment initiatives

That the Association lobbies the NSW Government to develop a range of incentives that will encourage experienced and qualified staff from all departments and from all disciplines to seek employment opportunities in Western NSW.

Decision:

Carried

79 Tweed Shire Council

Psychological injury claims

That Local Government NSW lobbies the NSW Government to:

1. Amend Section 9A of the *Workers Compensation Act 1987* (NSW) to provide that:
“A worker’s employment is not to be regarded as a substantial contributing factor to a worker’s injury if:
(a) the injury is a mental health injury; and
(b) a factor or factors other than the employee’s employment was a substantial contributing factor to the injury.”; and
2. Amend subsection 11A(1) of the *Workers Compensation Act 1987* (NSW) by adding the words “workplace change” and “restructure” to the subsection (after the word “discipline” and before the word “retrenchment”), so that the amended subsection reads as follows:
“No compensation is payable under this Act in respect of an injury that is a psychological injury if the injury was wholly or predominantly caused by reasonable action taken or proposed to be taken by or on behalf of the employer with respect to transfer, demotion, promotion, performance appraisal, discipline, workplace change, restructure, retrenchment or dismissal of workers or provision of employment benefits to workers.

Decision:

Lost

80 Bega Valley Shire Council

Extension of WHS protections to councillors

1. That Local Government NSW lobbies the Minister for Local Government and Office of Local Government (OLG) to:
 - a) Fund the development and implementation of training for all councillors on their obligations under the work, health and safety legislation;
 - b) Amend the Code of Conduct to expressly provide that a failure by a council official to comply with the work, health and safety legislation may constitute a breach of the Model Code of Conduct.
2. That Local Government NSW lobby the Treasurer and Minister for Industrial Relations to amend Section 230 of the *Work, Health and Safety Act 2011* to provide that an industrial organisation of employers and/or an employer may commence proceedings for breaches of the *Work, Health and Safety Act 2011*.

Decision:

Carried

6. GOVERNANCE/CIVIC LEADERSHIP POLICY

81 Carrathool Shire Council

Council meeting webcasting

That Local Government NSW lobbies the NSW Government to not introduce compulsory webcasting of council meetings as the resources required to implement in rural NSW is exorbitant and internet facilities are negligible for the nil benefit gained.

Decision:

Lost

82 Uralla Shire Council

Funding for webcasting infrastructure

That Local Government NSW lobbies the NSW Government to provide financial assistance to rural/regional NSW councils to fund the implementation of webcast infrastructure and technology for council meetings if this remains a mandatory provision in the new Model Code of Meeting Practice.

Decision:

Amendment

That Local Government NSW lobbies the NSW Government to provide financial assistance to rural/regional NSW councils to fund the implementation of webcast infrastructure and technology for council meetings if this remains a mandatory provision in the new Model Code of Meeting Practice, should it remain mandatory for all councils.

Amendment becomes the motion

Amendment

That Local Government NSW lobbies the NSW Government to provide assistance to NSW councils to assist with the implementation of webcast infrastructure and technology for council meetings if this remains a mandatory provision for all councils in the new Model Code of Meeting Practice.

Amendment becomes the motion

Carried

83 City of Parramatta

Webcasting of Local Planning Panel meetings

That Local Government NSW advocates that the NSW Government make the webcasting of Local Planning Panels (LPPs) mandatory for all councils in Greater Sydney and Wollongong at the cost of the NSW Government, in line with the Office of Local Government's draft Model Code of Meeting Practice requiring the webcasting of all meetings of the council and committees of the council.

Decision:

Carried

84 Gunnedah Shire Council**Duration of pre-polling**

That Local Government NSW petitions the NSW Government to change the *Local Government (General) Regulation 2005* to allow a council by resolution to shorten the pre-poll voting period to the period including the Monday to Friday of the week before Election Day.

Decision:**Amendment:**

That Local Government NSW petitions the NSW Government to change the *Local Government (General) Regulation 2005* to shorten the pre-poll voting period to the period including the Monday to Friday of the week before Election Day.

Amendment becomes the motion**Amendment:**

That Local Government NSW petitions the NSW Government to change the *Local Government (General) Regulation 2005* to shorten the pre-poll voting period to the period including the Saturday to Friday of the week before Election Day.

Amendment becomes the motion**Carried****85 Port Stephens Council****Local government elections exclusively by postal voting**

That Local Government NSW makes representations on behalf of all NSW councils for the Minister for Local Government to consider drafting a regulation to allow NSW councils to conduct their local government elections exclusively by postal voting and iVote, if available.

Decision:**Lost****86 Dubbo Regional Council****Review of ward requirements**

That Local Government NSW makes representations to the Minister of Local Government to consider the feasibility and appropriateness of an amendment to the *Local Government Act 1993* (NSW) to allow a process for:

1. the creation of electoral wards with variations in the number of electors of more than 10% in each ward in the area; and
2. different numbers of councillors to be elected for each ward provided that the councillor:elector ratio of each ward is such as to maintain the principle of democratic representation across the area.

Decision:**Amendment**

That LGNSW lobbies NSW Government to work with forcibly merged rural and regional councils to develop a model that would allow:

- a) Newly merged councils with ward systems to move away from their forced election system of wards and return to their previous election system of a single council area; and
- b) All merged councils, regardless of their electoral model, to ensure democratic representation from the smaller merged council partner based on their population as part of the new council area.

The model should allow a democratic representation from the smaller merged council partner based on their population as part of the new council area.

That the model developed be returned to the next LGNSW Conference for debate and adoption.

Amendment becomes the motion

Amendment:

That LGNSW lobbies NSW Government to work with forcibly merged rural and regional councils to develop a model that would allow:

- a) Newly merged councils with ward systems to move away from their forced election system of wards and return to their previous election system of a single council area.

The model should allow a democratic representation from the smaller merged council partner based on their population as part of the new council area.

That the model developed be returned to the next LGNSW Conference for debate and adoption.

Amendment lost**Carried****87 Mosman Council Use of word 'independent' in local government elections**

The *Local Government Act 1993* be amended to ensure that councillors and candidates who are members of a major political party, or have been a member of a major political party during any part of the 12 months prior to seeking council election/re-election, be prohibited from using the word 'Independent' beside their name on the ballot paper and on all election advertising materials.

Decision:**Amendment:**

The *Local Government Act 1993* be amended to ensure that councillors and candidates who are members of a registered political party, or have been a member of a registered political party during any part of the 12 months prior to seeking council election/re-election, be prohibited from using the word 'Independent' beside their name on the ballot paper and on all election advertising materials.

Amendment becomes the motion**Amendment:**

The *Local Government Act 1993* be amended to ensure that councillors and candidates who are members of a registered political party, or have been a member of a major political party during any part of the 24 months prior to seeking council election/re-election, be prohibited from using the word 'Independent' beside their name on the ballot paper and on all election advertising materials.

Amendment lapsed (no seconder)**Procedural motion**

That the motion be put.

Carried**Motion carried****88 Riverina Water County Council Term of the chair for county councils**

That Local Government NSW makes representations to the NSW Government to amend Section 391(2) of the *Local Government Act 1993* so as to read "the chairperson holds office for two years subject to this Act".

Decision:**Amendment:**

That Local Government NSW makes representations to the NSW Government to amend Section 391(2) of the *Local Government Act 1993* so as to read "the chairperson may hold office for two years subject to this Act".

Amendment becomes the motion**Carried**

That Local Government NSW advocates that councillors be given the equivalent of Parliamentary privilege for comments and statements made inside the council chambers.

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

Decision:**Amendment:**

That Local Government NSW advocates that the Code of Meeting Practice be amended so that councillors be given the equivalent of Parliamentary privilege for comments and statements made inside the council chambers.

Amendment becomes the motion

Procedural motion

That the motion be put.

Carried

Motion Lost**Tweed Shire Council****Privilege (Parliamentary) within council meetings**

That Local Government NSW requests the NSW Government to consider affording Parliamentary privilege at Council meetings for Councillors.

90 City of Parramatta**Public notice requirements for councils**

That Local Government NSW advocates that the NSW Government review the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation) in regards to the requirements for NSW councils to publicly advertise in local newspapers, to enhance efficiency and flexibility for councils by:

- Removing the requirement for certain notices to be published in newspapers;
- Allowing councils to determine the method of publication they will use to best bring a notice to the public's attention, in recognition of the changing communications landscape and the rise of alternate digital and social media channels;
- The introduction of a state-wide notification website to ensure all information required to be advertised by councils, local and state planning panels can be found in a centralised location.

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

Decision:**Amendment:**

That Local Government NSW advocates that the NSW Government review the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation) in regards to the requirements for NSW councils to advertise in local newspapers, to enhance efficiency and flexibility for councils by:

- Allowing councils to determine the method of publication they will use to best bring a notice to the public's attention, in recognition of the changing communications landscape and the rise of alternate digital and social media channels;
- The introduction of a state-wide notification website to ensure all information required to be advertised by councils, local and state planning panels can be found in a centralised location.

Amendment lost

Lost

Wagga Wagga City Council**Legislative requirements - public notice**

That the NSW Government remove all legislative requirements to provide public notice through local newspapers.

City of Newcastle**Additional changes to the publication of local government notices**

That Local Government NSW:

1. Notes recent changes to the *Local Government Act 1993* (the Act), following the passing of the *Statute Law (Miscellaneous Provision) Bill 2018*, which removes the requirement for certain notices to be published in newspapers and allows councils to determine the method of publication they will use to best bring a notice to the public's attention;
2. Recognises that local councils have a great understanding of their residents and know the best way to bring a notice to the attention of their local community;
3. Acknowledges the powerful role of social media and online communication tools as a method of communication between local councils and the community (a recent Newcastle City Council survey found that 85% of people find out about council activities via social media and council's website); and
4. Writes to the Minister for Local Government and the Attorney General to call on the NSW Government to amend this legislation to allow for local councils to determine the most appropriate method of publication of all notices and removes the requirement to publish local government notices in newspapers.

91 Bega Valley Shire Council

OLG and Crown Lands resourcing levels

That Local Government NSW urgently requests the Minister for Local Government, Minister for Planning and the Minister for Lands to increase staffing levels to support councils deliver required services.

Decision:
Carried

92 Blue Mountains City Council

Redrafting Part 7 s438(l) of the LG Act

That this Conference calls on the NSW Government to re draft Part 7 s438(l) of the *Local Government Act 1993* to limit the power of the Minister for Local Government to suspend or dismiss democratically elected councils in all but the most extraordinary circumstances.

Decision:
Carried

93 City of Canterbury Bankstown

Flexible procurement

That this Conference calls upon the NSW Government to undertake a review of the Local Government Act, Regulation and procurement guidelines to provide councils with a flexible framework for unsolicited proposals and to remove barriers to embracing innovation in procuring goods and services.

Decision:
Carried

94 Orange City Council

Council enforcement action

That Local Government NSW requests the NSW Government to investigate all available options to make it easier and less expensive for local councils to take enforcement action and apply sanctions to landowners and developers responsible for intentional, serious and/or continued breaches of planning law.

Decision:
Carried

95 Randwick City Council

Call for review of Land Acquisition Act

That Local Government NSW calls on the NSW Government to conduct an immediate review into the Just Terms Compensation legislation, with public hearings to allow for full and effective contributions from interested parties, in accordance with Recommendation 20 of the Review of the NSW Land Acquisition Framework by David Russell SC, known as The Russell Review.

Decision:
Carried

96 Carrathool Shire Council**Joint Organisations - ongoing funding**

That Local Government NSW lobbies the NSW Government to allocate ongoing funds to ensure the financial viability of Joint Organisations (JOs) and support JOs being effective tools for regional areas.

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

Decision:

Carried

Lake Macquarie City Council**Regional transport planning role for Joint Organisations**

That Joint Organisations be granted powers and resources to develop and implement regional transport plans.

Tamworth Regional Council**Joint Organisation funding**

That Local Government NSW requests the NSW Government to appropriately fund Joint Organisations as a local government body in addition to existing Financial Assistance Grants.

98 Board**Superannuation**

That:

1. Local Government NSW expresses concern to LGSS Pty Ltd, trading as Local Government Super ("LGS") at the ongoing funding request for additional employer superannuation contributions from employers in relation to employees belonging to the Retirement Scheme (Schedule 2 of the LGSS Trust Deed) and Defined Benefit Scheme (Schedule 4 of the LGSS Trust Deed);
2. Local Government NSW requests that LGSS Pty Ltd, trading as Local Government Super ("LGS"), undertake an independent review of the investment strategy for LGS' Retirement Scheme (Schedule 2 of the LGS Trust Deed) and Defined Benefit Scheme (Schedule 4 of the LGS Trust Deed) to give confidence to stakeholders that the returns on superannuation funds are reasonable;
3. Local Government NSW requests that LGSS Pty Ltd, trading as Local Government Super ("LGS"), cease requiring additional employer superannuation contributions from employers in relation to employees belonging to the Retirement Scheme (Schedule 2 of the LGSS Trust Deed) and Defined Benefit Scheme (Schedule 4 of the LGSS Trust Deed) as soon as the liabilities and asset of those schemes are deemed to be fully vested and comply with the minimum acceptable risk level requirements set by the Australian Prudential Regulation Authority (APRA); and
4. Recommendations by Local Government NSW to LGSS Pty Ltd concerning the appointment of Directors onto the Board of LGSS be based on merit, whereby the person(s) selected have the greatest merit determined according to:
 - a. The nature of the duties of the position; and
 - b. The abilities, qualifications, and experience of those persons.

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

Decision:**Procedural motion:**

Only consider Board motion, not the covered Goulburn Mulwaree motion.

Carried

Amendment:

That:

1. Local Government NSW expresses concern to LGSS Pty Ltd, trading as Local Government Super ("LGS") at the ongoing funding request for additional employer superannuation contributions from employers in relation to employees belonging to the Retirement Scheme (Schedule 2 of the LGSS Trust Deed) and Defined Benefit Scheme (Schedule 4 of the LGSS Trust Deed);
2. Local Government NSW requests that LGSS Pty Ltd, trading as Local Government Super ("LGS"), undertake an independent review of the investment strategy for LGS' Retirement

Scheme (Schedule 2 of the LGS Trust Deed) and Defined Benefit Scheme (Schedule 4 of the LGS Trust Deed) to give confidence to stakeholders that the returns on superannuation funds are reasonable;

3. Local Government NSW requests that LGSS Pty Ltd, trading as Local Government Super ("LGS"), cease requiring additional employer superannuation contributions from employers in relation to employees belonging to the Retirement Scheme (Schedule 2 of the LGSS Trust Deed) and Defined Benefit Scheme (Schedule 4 of the LGSS Trust Deed) as soon as the liabilities and asset of those schemes are deemed to be fully vested and comply with the minimum acceptable risk level requirements set by the Australian Prudential Regulation Authority (APRA); and
4. Recommendations by Local Government NSW to LGSS Pty Ltd concerning the appointment of Directors onto the Board of LGSS be based on merit, whereby the person(s) selected have the greatest merit determined according to:
 - a. The nature of the duties of the position; and
 - b. The abilities, qualifications, and experience of those persons.
5. That LGNSW take all necessary actions to allow local government employees to have super choice and not be bound by the industry fund.

Amendment Lost

Motion Carried

99 Lane Cove Council

LGNSW Annual Report - additional details

That Local Government NSW includes in its annual report the following additional information:

Controlled Entities

Entities that are controlled to have a copy of their respective Profit and Loss and Balance Sheet either included into the notes or added as an attachment;

- Local Government Procurement Partnership
- Local Government Procurement Pty Ltd
- LGP (LGA NSW) Pty Ltd
- LGP (SA NSW) Pty Ltd
- LGP (LGA NSW) Trust
- LGP (SA NSW) Trust
- Other related entities

Remuneration

Total Remuneration of all board members including their appointment to external Boards Related Party Disclosure. Notwithstanding the elimination entries on consolidation, a table detailing transactions between related entities that include, loans, distributions, management fees, and other material transactions over \$15,000.

Appointments to External Boards

Table indicating the names of Councillors appointed to external Boards (LGSS Pty Ltd and StateCover Mutual Limited), their term and remuneration.

Decision:

Carried

100 Albury City Council

Solar bulk buy

That Local Government NSW seeks an amendment to the *Local Government Act 1993* (NSW) that will enable local councils to apply a voluntary Special Charge Scheme (opt in system) to council rates to fund environmental programs such as solar photovoltaic (PV) bulk buy programs.

Decision:

Carried

LATE MOTIONS

L1 Castlereagh-Macquarie County Council

New Weed Incursions

That Local Government NSW approaches the NSW Minister for Primary Industries, Land and Water in an endeavour to source funding over and above that available under the 2015/20 Weeds Action Plan for all Local Control Authorities to allow timely identification, control and monitoring of new weed incursions likely to occur following a break in drought conditions across NSW. It is anticipated there will be many outbreaks of weed infestations from other States not familiar to NSW land holders.

Decision:

Deferred to Board.