

# LGNSW ONLINE ANNUAL CONFERENCE

BUSINESS  
PAPER 2020

ONLINE 23 NOVEMBER

Growing Community  
Resilience



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## OFFICE BEARERS AND BOARD MEMBERS

### Patrons

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

### President

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Cr Linda Scott	City of Sydney Council
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### Vice Presidents

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Cr Angelo Tsirekas	City of Canada Bay Council
Cr Stephen Lawrence	Dubbo Regional Council

### Treasurer

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Cr Jerome Laxale	City of Ryde
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### Board Members

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Cr Khal Asfour	City of Canterbury-Bankstown
Cr Keith Rhoades AFSM	Coffs Harbour City Council
Cr Ruth Fagan	Cowra Council
Cr Lesley Furneaux-Cook	Burwood Council
Cr George Greiss	Campbelltown City Council
Cr Julie Griffiths	Blacktown City Council
Cr Mazhar Hadid	Liverpool City Council
Cr Dominic King	Bellingen Shire Council
Cr Dai Le	Fairfield City Council
Cr Karen McKeown OAM	Penrith City Council
Cr Phyllis Miller OAM	Forbes Shire Council
Cr Marianne Saliba	Shellharbour City Council
Cr Ben Shields	Dubbo Regional Council
Cr Darriea Turley AM	Broken Hill City Council

### Chief Executive

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Scott Phillips	(as of 18 May 2020)
Kylie Yates	(Acting, to 29 May 2020)
Tara McCarthy	(to 17 January 2020)

This page is correct at the time of publication

## CONFERENCE PROGRAM

### Local Government NSW Annual Conference 2020 – Monday 23 November

This program is correct at time of publication.

Online copy available: [lgnsw.org.au/Public/Events/Annual-Conferences/Annual-Conference-2020.aspx](https://lgnsw.org.au/Public/Events/Annual-Conferences/Annual-Conference-2020.aspx).

#### Monday 23 November

8.30am	Demonstration of voting procedure and getting online (on rotation)
8.50am	Message from Distinguished sponsor Landcom
8.55am	Message from Distinguished sponsor Local Government Super
9.00am – 9.15am	Conference introduction by <b>Scott Phillips</b> , Chief Executive, LGNSW
9.15am – 9.45am	Welcome and address from <b>Cr Linda Scott</b> , President, LGNSW  Opening of Federal Conference, chaired by <b>Cr Linda Scott</b>  Opening of State Conference, chaired by <b>Cr Linda Scott</b>
9.45am – 10.35am	Meet the Politicians Forum – Address from <b>the Hon. Gladys Berejiklian MP</b> , Premier of NSW, followed by the politicians' panel: <ul style="list-style-type: none"><li>• <b>The Hon. Shelley Hancock MP</b>, Minister for Local Government</li><li>• <b>Mr Greg Warren MP</b>, Shadow Minister for Local Government</li><li>• <b>Mr David Shoebridge MLC</b></li></ul>
10.36am – 10.38am	Address from <b>the Hon. Mark Coultan MP</b> , Minister for Regional Health, Regional Communications and Local Government
10.38am – 10.40am	Address from <b>the Hon. Jason Clare MP</b> , Shadow Minister for Regional Services, Territories and Local Government
10.40am – 11.20am	Keynote address: Building resilience through partnership – <b>Shane Fitzsimmons AFSM</b> , Commissioner of Resilience NSW  Panel & Q&A: Recovery and resilience – local strategies and actions to prepare for, recover from and build resilience to disasters and crisis <ul style="list-style-type: none"><li>• <b>Leanne Barnes OAM</b>, General Manager, Bega Shire Council</li><li>• <b>Mick Willing APM</b>, NSW Assistant Police Commissioner, Bushfire Recovery</li><li>• <b>Shane Fitzsimmons AFSM</b>, Commissioner of Resilience NSW</li></ul>
11.20am – 11.25am	Address from Premier Sponsor <b>Statewide Mutual</b>
11.25am – 11.35am	Presentation of the AR Bluett Awards by the Trustees
11.35am – 11.45am	Address from Elite Sponsor <b>StateCover</b>
11.45am – 11.55am	Presentation of Outstanding Service Awards to elected members by LGNSW President
11.55am – 12.05pm	Treasurer's Report - <b>Cr Jerome Laxale</b> , Treasurer, LGNSW
12.05pm – 12.30pm	Delegates break for lunch  StateCover General Manager's Online Forum (exclusive to GMs)
12.30pm – 4.30pm	Conference business session – consideration of motions

## FEDERAL CONFERENCE

### STANDING ORDERS – FEDERAL

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

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

#### Quorum

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

Note: for the purposes of the 2020 Conference, the total number of Delegates on the date that the roll of voters closed [midnight (AEST) on Sunday, 27 September 2020) was 475. Therefore, the quorum shall be **239**.

[475/2) + 1, rounded up to the nearest whole number = 239].

#### Presiding at the Conference

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

#### Conduct of Delegates

3. When the Chairperson speaks, all Delegates will remain silent and maintain order.
4. All Delegates who wish to speak to the Conference shall:
  - a. Type the following information into the chat:

- i. The reason for speaking (in summary form)

E.g.

- “MOVE”
- “SECOND”
- “SPEAKER FOR”
- “SPEAKER AGAINST”
- “AMENDMENT”
- “FORSHADOWED AMENDMENT”
- “POINT OF ORDER”
- “PUT THE MOTION”
- “DISSENT”

- ii. Delegate’s name (“John Citizen”)

- iii. Member/Council name (“XXX Council”)

Example: 

<b>MOVE, Cr John Citizen, XXX Council</b>
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- b. when prompted by the Chairperson, state their name, title, and, the member they represent,
  - c. address Delegates through the Chairperson.
5. Delegates shall address the Conference in a manner befitting to the reputation of Local Government and ensure that the reputation of Local Government and the Association is maintained and enhanced throughout proceedings.
6. A Delegate commits an act of disorder if the Delegate, at a session of a Conference:
  - a. moves or attempts to move a motion or an amendment that has an unlawful purpose;
  - b. says or does anything that is inconsistent with maintaining order at the Meeting or is likely to bring Local Government and/or the Association into contempt or disrepute;
  - c. assaults or threatens to assault another Delegate or person present at the meeting; or
  - d. insults or makes personal reflections on or imputes improper motives to any other Delegate.
7. The Chairperson may require a Delegate to:
  - a. retract any comment or remark that constitutes an act of disorder;
  - b. apologise without reservation for an act of disorder; or
  - c. withdraw a motion or an amendment that has an unlawful purpose.
8. A Delegate may be expelled from a session of Conference for not complying with standing orders 5, 6 or 7 only by a majority vote of Conference delegates.
9. Board Members of the Association shall be permitted to speak on any matter before a Conference.

### **Manner of dealing with Conference Business**

10. Conference Business will be dealt with in any order at the discretion of the Chairperson.
11. Nothing in these Standing Orders shall prevent the Chairperson from dealing with motions concurrently.

### **In the case of motions**

12. The Chairperson, upon coming to a motion set out in the Business Paper, must ask whether there is any dissent to the proposed resolution the subject of the item and, if no dissent be signified, may at any time, declare the motion carried.
13. Where dissent is signified, the Chairperson shall require the motion to be moved and seconded. If there be no seconder after a reasonable opportunity of not less than 10 seconds, the Chairperson may declare the motion lapsed.
14. If the motion is moved and seconded, the Chairperson may, at any time during debate, make such inquiries as to the nature of the dissent so as to confine any debate to the issues genuinely in dispute or to explore amendments to the proposed resolution which satisfactorily accommodate the moving and dissenting Delegates and Delegates generally.

15. Movers of motions shall be permitted two (2) minutes to introduce their proposed resolution into debate and one and a half (1.5) minutes in reply. All other speakers shall each be permitted to speak once for one and a half (1.5) minutes. The Conference may, on application by a speaker, permit that speaker to have one, but only one, further period of one and a half (1.5) minutes in which to speak.
16. A Delegate seconding a motion shall not be permitted to speak until at least one Delegate has spoken in dissent.
17. The Chairperson may, during the course of debate direct a speaker to confine his or her speech so as to:
  - a. limit repetition of matters addressed by other speakers;
  - b. limit debate about matters or issues not genuinely disputed.
18. Except as otherwise provided herein, it shall not be in order to move that any resolution be immediately put until at least two Delegates, in addition to the mover and the seconder, shall have had an opportunity to speak on the resolution then before the Conference.
19. A Delegate can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the Conference until a decision is made on the motion of dissent;
  - a. If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course; and
  - b. Despite any clause to the contrary, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.
20. A Delegate may not substitute from the floor of the Conference a new motion for one listed in the Business Paper unless the new motion is substantially the same, and dealing with the same subject matter, as the original motion, and the new motion is accompanied by written evidence that it has the support of the member concerned.
21. When an amendment is before the Conference, no further amendment shall be discussed until that amendment has been dealt with.
22. No more than one amendment upon any motion shall be considered unless notice of such further amendment is given before the amendment then under discussion has been dealt with.
23. The mover of an amendment which has been adopted as the motion shall (as in the case of the mover of an original motion) have the right of reply to any further amendments submitted.

#### **New motions from the floor of Conference**

24. At least 24 hours' notice shall be given before dealing with any new motions introduced during the Conference (Rule 28(d)).
25. Where a Member seeks to introduce a new motion during the Conference, they shall submit the motion and evidence that the motion has the support of the member concerned, to the Association's Chief Executive (or the Chief Executive's nominee), in writing.

26. The Chief Executive (or the Chief Executive's nominee), upon receiving a new motion submitted during the Conference, shall immediately record the time that they receive the motion and make arrangements for copies of the motion to be provided to Delegates.

#### **Motions that reflect existing LGNSW policy**

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

#### **In the case of all other Conference Business**

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

#### **Manner of voting**

29. Only Members' nominated voting Delegates and members of the Board may debate and vote on motions.
30. Voting on any matter shall be by use of electronic voting (poll by electronic means).
31. On conclusion of a vote the Chairperson may either declare the question resolved in the affirmative or negative.

#### **Suspending Standing Orders**

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

#### **Outstanding business**

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

#### **Contingency Standing Order for the 2020 LGNSW Annual Conference**

A delegate may move that all remaining motions be referred to the Board for determination. This standing order only applies for the 2020 LGNSW Annual Conference which is being conducted online due to COVID-19 restrictions.

## CATEGORY 1 MOTIONS

### F1 LGNSW Board

### Standing Orders

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

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

### F2 LGNSW Board

### Constitution

That Local Government NSW, 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.

#### Note from Board

Local Government NSW is registered as an organisation of employers under the *Fair Work (Registered Organisations) Act 2009* (Cth) (“**LGNSW (Federal)**”). An organisation of the same name is separately registered as an organisation of employers under the *Industrial Relations Act 1996* (NSW) (“**LGNSW (State)**”). The rules of LGNSW Federal (“**LGNSW rules**”) and LGNSW State are substantially the same.

During 2020, the LGNSW Board resolved to sponsor a motion to the 2020 LGNSW Annual Conference to amend the LGNSW rules.

Amendments to the LGNSW rules require a resolution at a Conference adopted by a majority of the voting delegates and members of the Board in attendance at any such Conference (see rule 73 of the LGNSW rules).

Once all necessary amendments to the rules of LGNSW (Federal) are settled and made, the Board of LGNSW (State) will consider amending the rules of LGNSW (State) pursuant to rule 73(b)(ii) to ensure consistency between the two sets of rules.

The proposed amendments to the LGNSW rules, following legal advice, are as follows:

#### Issue 1: Postal Ballot Rules

Section 197(1) of the *Fair Work (Registered Organisations) Act 2009* (Cth) (**FWRO Act**) requires the Australian Electoral Commission (“**AEC**”), upon the completion of an election conducted by them to provide a report to the organisation in which the election was conducted. Further, section 197(3) of the FWRO Act empowers the AEC to identify any rules that it considered difficult to interpret or apply in conducting the election.

In its post-election report in relation to an election to fill a casual vacancy for the office of Vice President Rural/Regional council (election 2018/96), the AEC noted that it considered rule 48 was difficult to apply/interpret on the following basis:

*Rule 48. “Subject to rule 48A, where a casual vacancy or further casual vacancy is to be filled for so much of the part of the term as exceeds three quarters of the term of the office the vacancy shall be filled by way of secret postal ballot in accordance with the provisions appropriate to the election for the vacant office”.*

*There are no further rules on how to conduct a secret postal ballot. As there may be future casual vacancies, the rules for filling casual vacancies need to be more complete.*

On 4 October 2018, LGNSW responded to the AEC, as required by section 198 of the FWRO Act, and gave an undertaking to take further action to amend the rules to include rules prescribing the conduct of elections by secret postal ballots (if required).

The LGNSW Board considered the AEC's above recommendations on 14 August 2020. Since then, LGNSW has obtained further legal advice, which has resulted in some re-wording of the proposed Schedule C to remove ambiguity and to increase consistency with the election procedures in Schedule B (which relate to in-person elections at an Annual Conference).

### Proposed amendments

1. At the end of rule 48, delete the full stop (".") and insert in lieu thereof the words "in **Schedule C**."

The amended rule 48 would read as follows:

"48. Subject to rule 48A, where a casual vacancy or further casual vacancy is to be filled for so much of the part of the term as exceeds three quarters of the term of the office the vacancy shall be filled by way of secret postal ballot in accordance with the provisions appropriate to the election for the vacant office **in Schedule C**."

2. At Schedule B, after the words "End of Schedule B" and before the words "\*\*\*\*END OF RULES\*\*" insert new Schedule C, in the following terms:

### **"SCHEDULE C**

#### **RULES FOR CONDUCT OF ELECTIONS BY SECRET POSTAL BALLOT**

##### **General**

1. The Board shall appoint a Returning Officer not being the holder of any other office in and not being an employee of the Association, and who shall not be a candidate in the election. [NB: under Act the Returning Officer for such elections will be an officer of either the Australian Electoral Commission or the State Electoral Commission, as the case may be, unless exemption is obtained under such legislation.]
2. The Returning Officer shall notify the Chief Executive that he or she is required to deliver a list of Ordinary members entitled to vote in the election.
3. The Roll of Voters for the election is to be determined by the Association in accordance with the requirements of Rule 37 and must be closed seven (7) days prior to the date upon which the Returning Officer calls for nominations for an election pursuant to these rules.
4. The Returning Officer may determine the form of any nomination form(s) subject to the requirements of the Act and these rules.
5.
  - (a) The Returning Officer shall cause an election notice inviting nominations for the office(s) subject to an election to be published in the Association's official journal and sent to each Ordinary member by post at least seven (7) weeks prior to the opening of the ballot.
  - (b) A nomination form shall be enclosed with the election notice when sent by post.
  - (c) The election notice shall:
    - (i) prescribe the time and date for the closing of nominations;
    - (ii) require voting members to advise the Association of the names and postal addresses of their nominated voting delegates (who are to be issued ballot

papers in the election) at least two (2) weeks prior to the opening of the ballot;  
and

(iii) contain such other information as the Returning Officer deems appropriate.

6. The persons proposing and seconding a nomination for the vacant office must be either a Councillor of a Council which is an Ordinary member of the Association or if the ALC is an Ordinary member, a member of its Board, provided that any such person must not be suspended from office under either the *Local Government Act 1993* or the *Aboriginal Land Rights Act 1983*, as the case may be. Nominations shall be signed by the proposer and seconder, and consented to in writing by the candidate.
7. Where the nominee is a member of a political party that is registered with either the NSW Electoral Commission (for State or Local Government elections) or the Australian Electoral Commission (for Federal elections) the nominee shall declare the name(s) of such registered political party membership(s) on the nomination form.
8. Nominations must be lodged with the Returning Officer, which may be done by electronic means, before the time and date specified for receipt of nominations.
9. In the event of multiple offices being filled in the same postal ballot, a candidate may nominate for more than one office or position that is subject to an election however, election to the offices of President, Treasurer, Vice President (Rural/Regional) or Vice President (Metropolitan/Urban) shall automatically exclude the candidate so elected from election to any other office or position on the Board.
10. Nominations for election must reach the Returning Officer at least four (4) weeks prior to the close of the ballot.
11. A nomination for election may be withdrawn by a candidate, provided that notice of withdrawal in writing is received by the Returning Officer no later than seven (7) days before the holding of the ballot.
12. If the Returning Officer should receive a nomination that is defective, the Returning Officer shall not immediately reject the nomination but shall instead give the candidate concerned written notice of the defect and where practicable at least seven (7) days to remedy the defect.
13. (a) If there be no more candidates than the number required to be elected those nominated shall be declared to be elected and if there be more candidates for any office than required to be elected an election by secret ballot shall be held. Pending the declaration of the result of any such election the persons holding office shall retain office.  
  
(b) Where the nominations received are insufficient to fill all vacancies, the Board at its first meeting after the Annual Conference at which it was elected shall determine whether the number and type of vacancies are such as to require that the vacancies be filled and if it so determines, request the Returning Officer to conduct a further election by way of a secret postal ballot of members to fill such vacancies. Such secret ballot shall be conducted in accordance with the requirements of these Rules for the conduct of elections, so far as they can apply to a secret ballot.
14. The Returning Officer shall, for each office/position to be contested, conduct a public draw to determine the order of candidates on the ballot paper.
15. The Association shall provide to the Returning Officer the names and postal addresses of nominated voting delegates at least one week prior to the opening of the ballot.

16. The Returning Officer shall make such arrangements for absent voting as will ensure that any voting delegate not able to vote by way of secret postal ballot may be able to vote on an absentee basis.
17. The Returning Officer shall issue the required number of ballot papers, a declaration envelope(s) and a prepaid envelope(s), in the form prescribed by the Act, to be handed or posted to each voting delegate not less than fourteen (14) days before the closing of the ballot. The ballot paper shall include:
  - (a) the Returning Officer's initials;
  - (b) a description of each office/position to be filled, including the number of offices/positions to be filled;
  - (c) the name of each candidate for each office/position to be filled, including the candidates declared current registered political party membership(s);
  - (d) instructions on how to complete the ballot paper;
  - (e) the name and address of the Returning Officer to whom the ballot paper(s) shall be returned, the closing date and the time for receipt of votes and instructions that the ballot papers shall be placed in the declaration envelope and returned to the Returning Officer in the prepaid envelope; and
  - (f) such other information as the Returning Officer deems appropriate.
18. The ballot papers shall be placed in the declaration envelope and returned in the prepaid envelope to the Returning Officer on or before the closing date fixed for voting.
19. The non-receipt of a ballot paper by a member entitled to vote, or the non-return of a ballot paper or the return of a ballot paper improperly filled in or not enclosed in a sealed envelope, shall not invalidate the ballot.
20. No voter shall vote for a greater or lesser number of candidates than the number directed on the ballot paper and any vote or ballot paper contrary to this provision or otherwise improperly filled in shall be informal.
21. The Returning Officer shall arrange for the use of a post office box or other receptacle to which ballot papers may be returned to him/her and arrange for the same not to be opened by any other person.
22. The Returning Officer shall count the votes indicated upon the ballot papers which are properly marked. The candidates who receive the greatest number of votes shall be progressively elected until all offices required to be filled are filled.
23. The Returning Officer shall arrange for votes to be counted and shall within three days after the closing date for voting declare the result of the ballot to the members of the Association by post or in such manner as the Board may from time to time prescribe and the candidate or candidates declared elected shall assume office from the date that the Returning Officer declares the result of the election.
24. Every person concerned in the ballot shall ensure as far as practicable that no irregularity occurs in the ballot.

Elections for the offices of President, Treasurer, Vice President (Rural/Regional), or Vice President (Metropolitan/Urban)

25. In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of President, Treasurer, Vice President (Rural/Regional), or Vice President (Metropolitan/Urban), the election shall be conducted using the standard preferential system of voting. Voters must mark a preference for all candidates.
26. Where two or more candidates have an equal number of votes, the candidate who is first drawn by lot by the Returning Officer shall be declared elected.

#### Elections for the offices of other directors

27. In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of other directors the election shall be conducted using the proportional system of voting, as described below.
  - (a) Voters must mark a preference for all candidates.
  - (b) To be elected, except as provided in the last paragraph of this rule, a candidate needs to gain a certain proportion (or quota) of the formal votes. The quota is calculated by dividing the total number of formal first preference votes in the count by one more than the number of officers to be elected; and adding one to the result, disregarding any remainder.
  - (c) The ballot papers are sorted according to the first preference on each paper.
  - (d) If a candidate receives more first preference votes than the quota, they are immediately elected and, unless all vacancies have been filled, their surplus votes are passed on to the continuing candidates listed on the ballot paper; based on the voter's next available order of preference.
  - (e) The transfer value of the surplus votes is calculated by dividing the elected candidate's total of surplus votes by the total number of the candidate's votes, and is applied to each of the ballot papers of the elected candidate. The result is taken to the fourth decimal point.
  - (f) The number of votes to be transferred, disregarding any fraction, shall be added to the continuing candidate(s)' votes.
  - (g) If any of those candidates who received the surplus votes now have more than the quota they are elected. Their surplus votes are transferred to the candidate listed as the next preference on all of the ballot papers. This is done by dividing the surplus votes by the total number of ballot papers the candidate has received (first preferences plus transferred ballot papers). This process continues until there are no more candidates with enough votes to be elected.
  - (h) Where, on the counting of the first preference or on any transfer, more than one candidate has a surplus, the largest surplus shall be dealt with first.
  - (i) Where two or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be dealt with first, and, if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide by lot which candidate's surplus shall be dealt with first.
  - (j) To fill any remaining places not filled by the above process, the candidate with the smallest number of votes is excluded and votes for this candidate are transferred

to the remaining continuing candidates. This is done at the value at which the votes were received by the candidate to be excluded. When the transfer of these preferences gives a candidate a quota, that candidate is elected.

- (k) Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers the Returning Officer shall decide by lot which candidate's votes shall be distributed.
- (l) Where the contest for the last seat is close, it is common for the final two continuing candidates to both have less than a quota. In this case, the continuing candidate with the highest number of votes is elected.

### Scrutineers

- 28. Each candidate at any election shall have the right, if he or she so desires, to appoint a scrutineer to represent him or her in the ballot, and shall give notice of any such appointment of a scrutineer in writing to the Returning Officer. The Association may appoint an employee of the Association to scrutineer for it at any election by giving notice in writing of such appointment to the Returning Officer.
- 29. Every scrutineer shall, so far as is possible having regard to the time of his/her appointment have the right to be present with the Returning Officer when the ballot papers are opened and when the votes are counted and to watch the interests of the person whom he/she represents, but no election shall be vitiated by reason of the fact that a scrutineer does not exercise any or all of his/her rights or duties if he/she has a reasonable opportunity to do so.
- 30. Scrutineers shall have the right to question the inclusion or exclusion of any ballot paper and the decision of the Returning Officer shall, subject to the Act be final.
- 31. Scrutineers may not remove, mark, alter or deface any ballot paper or other documents used in the ballot.

End of Schedule C”

### Issues 2 and 3: Substitution voting and timing of scrutineer count

In its post-election report in relation to the 2019 LGNSW Board election (election 2019/38), the AEC identified and made recommendations in relation to substitute voting and scrutineering as follows:

*“There was confusion reported by voting delegates who had been substituted without the knowledge of the delegate, it is recommended that Rule 34 (c) Substitute voting of delegates for voting in Board election be deleted, as replacement of delegates is covered under section B, rule 16 (Absent Voting), so Rule 34 (c) is not an essential requirement”.*

*“The counting for the director positions are required to be done through the AEC computer systems it means the counting cannot be done at the conference location and generally takes place the following day in our AEC office. Therefore, I recommend Schedule B Rule 18 in regards to Scrutineers be changed, and the words “before the closing of the ballot” be removed.*

It is proposed that the LGNSW rules be amended as suggested by the AEC.

### Proposed amendments

1. Delete sub-rule 34(c) in its entirety.
2. At paragraph 18 of Schedule B, in the first sentence after the words “to appoint” and before the words “a scrutineer”, delete the words “before the closing of the ballot”.

### **Issue 4: Financial Hardship**

Arising from concerns that the COVID-19 pandemic and recent natural disasters (e.g. bushfires & flood) may impact on members’ capacity to pay their annual subscriptions, the Board considered options for amending the LGNSW rules to provide greater flexibility in circumstances of financial hardship.

In their current form, there is a degree of rigidity in the LGNSW rules in relation to the full payment of fees. Rule 13(a) requires the payment of an annual subscription as determined by the Board, rule 13(d) requires payment of such fee within a period of 60 days, after which the member becomes unfinancial, and rule 13(e) provides that while soever a member is unfinancial that member shall not be entitled to any of the benefits or privileges of membership.

### Proposed amendments

1. At rule 13, after sub-rule (g) and before the heading “SPECIAL LEVIES” insert new sub-rule (h) as follows:
  - “(h) (i) In circumstances of hardship, a member may make a request to the Board to have their annual subscription reduced in part.
  - (ii) The Board may consider any such request and grant the member a partial waiver of their annual subscription at the Board’s discretion.
  - (iii) Notwithstanding rules 13(d) and (e), a member that is granted a partial waiver of their annual subscription and who pays the revised annual subscription is entitled to such benefits or privileges of membership as may be determined by the Board.”

### **Issue 5:**

The COVID-19 pandemic has highlighted the possibility that in some years it may not be possible to hold an in-person Annual Conference due to circumstances beyond LGNSW’s control.

The LGNSW rules currently require that Directors (including Officer Bearers) be elected biennially at an Annual Conference. An LGNSW Board election is required in 2021.

It is proposed that the LGNSW rules be amended to include contingency arrangements for Board elections to be conducted by secret postal ballot in the event that an in-person Annual Conference is not possible due to circumstances beyond LGNSW’s control.

### Proposed amendment

1. Delete rule 42 of the LGNSW rules and insert in lieu thereof the following:
  - “42. Subject to rule 42A, elections shall be conducted in accordance with the requirements of Schedule B.”
2. After rule 42, and before rule 43, insert new rule 42A in the following terms:

“42A. If, in the opinion of the Board, it is not possible to hold an in-person Annual Conference in a Board election year due to circumstances beyond the Association’s control, the Board may determine that the elections for Directors (including Office Bearers) be by secret postal ballot conducted in accordance with the requirements of Schedule C.”

**Attachments:**

1. Marked-up copy of the Association’s rules showing the proposed amendments.

# Rules of the Local Government NSW

## CONSTITUTION

1. (a) The name of the Organisation shall be Local Government NSW (the “Association”), but may also be known as “the Local Government and Shires Association of New South Wales”.
- (b) The registered office of the Association is situated at Level 8, 28 Margaret Street, Sydney, New South Wales.

## PREAMBLE – AMALGAMATION COMPACT

2. (a) These Rules form part of the scheme of amalgamation for the amalgamation of the Local Government Association of New South Wales (“LGA NSW”) and the Shires Association of New South Wales (“SA NSW”) to form the Association.
- (b) These Rules are intended to reflect the compact between the LGA NSW and the SA NSW that their respective membership constituencies (that is, Metropolitan/Urban councils and Rural/Regional councils respectively) would, post the amalgamation, each have an approximately equal voice in the governance of the Association.
- (c) The principal means by which this compact is implemented in these Rules is through the composition of conferences of the Association and the Committee of Management (“Board of Directors”), and arrangements for alternative access to the office of President from the two different constituencies.

## INTERPRETATION

3. (a) Unless the context otherwise requires:

“Aboriginal Land Council” or “the ALC” means the New South Wales Aboriginal Land Council as constituted under the Aboriginal Land Rights Act 1983 (NSW).

“Act” or “the Act” means the Fair Work (Registered Organisations) Act 2009 (Cth).

“Administrator” means an Administrator appointed in accordance with the Local Government Act 1993 (NSW) or Division 2 of Part 11 of the Aboriginal Land Rights Act 1983 (NSW).

“ALC Region” mean a Region constituted under the Aboriginal Land Rights Act 1983 (NSW).

“Amalgamation” or “the Amalgamation” means the amalgamation between LGA NSW and SA NSW, each of which were organisations registered under the Act immediately prior to the amalgamation date.

“Amalgamation date” means the date fixed by Fair Work Australia as the date upon which the Amalgamation and these Rules takes effect, being such date as Fair Work Australia determines but being no earlier than 1 March 2013

“Associate member” means a member who is not an Ordinary member.

“Association” means the Local Government and Shires Association of New South Wales, the Association governed by this Constitution.

“Badge” means all those records, signs and facilities that allow a person to be identified as and discharge the functions of a Delegate at a Conference.

“Board” or “the Board” means the Board of Directors of the Association, which is the Committee of Management of the Association for the purpose of the Act.

“Calculation date” means the first day of March last occurring prior to a Conference.

“Chief Executive” means the most senior employee of the Association, whose position and general responsibilities are specified in Rule 70.

“Conference” means the Annual Conference or a Special Conference of the Association as provided by these Rules.

“Constitution” or “this Constitution” means these Rules as they provide from time to time.

“Council” means a council constituted under the Local Government Act 1993 (NSW) and the ALC but does not include a County council.

“Councillor” means a person elected or appointed to civic office under the Local Government Act 1993 (NSW), but does not include an Administrator.

“County council” means a County council established under Part 5 of Chapter 12 of the Local Government Act 1993 (NSW).

“Director” means a member of the Board including an Office Bearer (unless the contrary intention appears from the context).

“Delegate” means an elected member of a council or a member of the Board of the ALC, the LHIB, the NIRC or RLGB or an Administrator who are by virtue of this Constitution entitled to vote at a Conference.

“Financial year” means the period from July 1 in one year to 30 June in the following year.

“LGA NSW”, means the Local Government Association of New South Wales, an organisation of employers registered under the Act until the Amalgamation Date.

“LHIB” means the Lord Howe Island Board as constituted under the *Lord Howe Island Act 1953* (NSW).

“Member” means a Council, County council, the ALC, the LHIB, the NIRC or a RLGB that is a member of the Association, whether as an Ordinary member or as an Associate member.

“Metropolitan/Urban County council” means a County council which is identified in Schedule A attached to these Rules as a Metropolitan/Urban County council.

“Metropolitan/Urban council” means a council which is identified in Schedule A attached to these Rules as a Metropolitan/Urban council.

“NIRC” means the Norfolk Island Regional Council as constituted under the *Norfolk Island Act 1979* (Cth).

“Office” has the same meaning as defined by section 9 of the Act, but to avoid doubt includes the office of Director.

“Office Bearer” means the President, Immediate Past President, Vice President (Metropolitan/Urban), Vice President (Rural/Regional) and/or Treasurer of the Association.

“Officer” has the same meaning as defined by section 6 of the Act, but to avoid doubt includes a Director.

“Ordinary member” means a member that obtains and retains ordinary membership pursuant to Rule 6 of these Rules.

“Political objects” means the expenditure of money:

- (i) on any contribution to the funds of, or on the payment of any expenses incurred directly or indirectly by, a political party;
- (ii) on the provision of any service or property for use by or on behalf of any political party;
- (iii) in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot in connection with any election to a political office;
- (iv) on the maintenance of any holder of a political office; or
- (v) on the holding of any conference or meeting by or on behalf of a political party or of any other meeting – the main purpose of which is the transaction of business in connection with a political party (including any expenditure incurred in connection with the attendance of delegates or other participants).”

“Related local government body” or “RLGB” means an association, body corporate or body politic that is controlled by:

- (a) one or more Councils; or
- (b) An entity constituted under a law of the state of New South Wales to perform the functions of a council, other than a Council or County council.

In this definition:

- (i) A “related local government body” is controlled by a Council if that Council has the capacity to determine the outcome of decisions about the body’s financial and operational policies, and is controlled by more than one Council if those Councils concerned, acting jointly, have that capacity;
- (ii) In paragraph (b), the expression “the functions of a council” means those functions that are of a kind conferred on a council by the *Local Government Act 1993*, even if the entity concerned has other functions.

“Roll of Voters” shall mean all those members of the Association who are, by virtue of these Rules, entitled to vote in the election of members of the Board.

“Rural/Regional County council” means a County council in the State of New South Wales other than a Metropolitan/Urban council.

“Rural/Regional council” means a council in the State of New South Wales which is a council in the said State which is other than a Metropolitan/Urban council.

“SA NSW” shall mean the Shires Association of New South Wales, an organisation of employers registered under the Act (until the Amalgamation Date).

- (b) Unless the contrary intention appears:
  - the singular shall include the plural and vice versa, and a reference to one gender shall include a reference to the other gender;
  - headings are for convenience and do not affect meaning;
  - schedules shall form part of these Rules; and
  - a reference to any particular statute or regulation shall include any successor to or substitute legislation or regulation, as the case may be.

## **OBJECTS**

4. The objects of the Association shall be in New South Wales and elsewhere:
  - (a) to encourage, promote, protect and foster an efficient and effective autonomous, democratic system of Local Government elected by and responsible to local communities with its position constitutionally guaranteed and with adequate resources including revenue from State and Commonwealth Governments;
  - (b) to promote, maintain and protect the interests, rights and privileges of Local Government in New South Wales and of the constituent members of the Association;
  - (c) to encourage and assist Local Government to seek out, determine, assess and respond to the needs and aspirations of its constituents;

- (d) to encourage, assist, promote and foster the achievement and maintenance of the highest level of integrity, justice, competence, effectiveness and efficiency of Local Government;
- (e) to develop, encourage, promote, foster and maintain consultation and co-operation between councils and Local, State and Commonwealth Governments and their instrumentalities;
- (f) to develop, encourage, promote, foster and maintain the financial and economic well-being and advancement of Local Government and for such purposes to undertake, establish, acquire, conduct or dispose of any business, enterprise, undertaking or venture which in the opinion of the Association is necessary, desirable or convenient;
- (g) to represent the members of the Association and Local Government generally in their dealings with State and Commonwealth Governments, with statutory and other corporations, with the media and with the public;
- (h) to promote, support and encourage Local Government at a State and national level;
- (i) to provide an industrial relations service to members including:
  - (i) representing the interests of members in industrial matters before courts and tribunals;
  - (ii) assisting in negotiations relating to the settlement of disputes between members and their employees;
  - (iii) representing the interests of members in negotiating the establishment of and/or variation of industrial awards and agreements;
  - (iv) promoting training programs aimed at enhancing the performance of Local Government.
- (j) to undertake or promote any activity which the Board determines to be for the benefit and/or interest of members and local government in New South Wales.

## **POWERS**

### 5. The Association is empowered:

- (a) to purchase, take on lease or in exchange, hire, invest in and otherwise acquire any real and personal property and any interest therein and any rights or privileges and in particular any land, buildings, easements, machinery, plant, shares, debentures, mortgages and securities;
- (b) to enter into with any council or government or statutory authority, or any incorporated or unincorporated body or any association of persons, any arrangement, joint venture, union of interest or field of co-operation intended directly or indirectly to advance the interests or objects of the Association;
- (c) to apply for, promote and obtain any statute, order, regulation, ordinance or other authorisation or enactment which may seem calculated directly or indirectly to benefit

the interests or objects of the Association and to oppose any bills, proceedings or applications which may seem calculated directly or indirectly to prejudice the Association's interests or objects;

- (d) to construct, improve, maintain, develop, manage, carry out or control any buildings and other works intended directly or indirectly to advance the Association's interests and to contribute to, subsidise or otherwise assist or take part in the construction, improvement, maintenance, development, working, management, carrying out or control thereof;
- (e) to invest, deposit, lend, pay out, grant, donate and deal with money of the Association in such manner as may from time to time be thought fit but subject to legislative requirements;
- (f) to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;
- (g) to borrow or raise or secure the payment of money in such manner as the Association may think fit and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Association in any way and in particular by charges upon all or any of the Association's property (both present and future) and to redeem or repay any such securities;
- (h) to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association;
- (i) to do all such other things as are incidental or conducive to the attainment of the objects, the furtherance of the interests and the exercise of the powers of the Association.

## **MEMBERSHIP**

- 6. (a) Membership of the Association shall be open to Councils, County councils in the State of New South Wales, the ALC, the LHIB, the NIRC and RLGB's.
- (b) Membership of the Association shall be limited to:
  - (i) Ordinary members; and
  - (ii) Associate members.
- (c) Any Council shall be eligible for Ordinary membership of the Association subject to compliance with the requirements of Rule 7 and payment of the prescribed annual subscription in accordance with Rule 13, Annual Subscriptions.
- (d) County councils and the ALC (each of which is referred to in this sub rule as an "entity") shall be eligible for Ordinary membership or Associate membership of the Association, at the election of the entity concerned, provided that:
  - (i) the original application for membership made by such entity complies with the requirements of Rule 7 and the prescribed subscription is paid in accordance with the requirements of Rule 13;

- (ii) the election as to the category of membership that such entity wishes to make is communicated to the Chief Executive at the time of application for membership or, in the case of renewal of membership, not later than 21 days after the date upon which notice is given to the member by the Chief Executive pursuant to Rule 13 (c);
  - (iii) any such election shall remain in force for not less than 3 (three) financial years; and
  - (iv) where an entity that has made an election pursuant to this sub Rule is entitled to exercise a further election, a failure to exercise that election will be regarded as an election to remain in that entity's existing category of membership.
- (e) RLGB's, the LHIB and the NIRC shall be eligible for Associate membership of the Association subject to compliance with the requirements of Rule 7 and payment of the prescribed annual subscription in accordance with Rule 13, Annual Subscriptions. Where a RLGB covers or relates to a geographic area that falls within one or more Metropolitan/Urban councils and one or more Rural/Regional councils, that RLGB shall be included in the category of councils that is most appropriate by reason of the area of the State or the population of the State or of the category of councils it covers, or any combination of those factors, as determined by the Board. A RLGB may at not less than three (3) yearly intervals following commencement of its membership apply to the Board for reconsideration of its category allocation.
- (f) Associate Membership of the Association confers on the Associate Member the right through its delegates to attend, participate and vote on resolutions proposed at conferences of the Association, and to participate in or receive such benefits or services as the Board shall deem appropriate for provision to Associate Members from time to time, but does not confer any right to have its delegates stand for or vote in elections for any office within the Association.
7. (a) An application for membership of the Association, whether as an ordinary member or as an associate member, shall be in writing, signed by the General Manager, to the Chief Executive.
- Upon receipt of an application for membership the Chief Executive shall inform the applicant in writing of:
- (i) the financial obligations arising from membership; and
  - (ii) the circumstances, and the manner, in which a member may resign from the Association.
- (b) Any application for membership of the Association shall be promptly submitted to the Board which may either approve or reject the application, but may only reject the application if it is not in accordance with these Rules or does not comply with the Act.
8. A member of the Association may resign from membership of the Association by written notice addressed and delivered to the Chief Executive. A notice of resignation from membership of the Association takes effect:
- (a) where the member ceases to be eligible to become a member of the Association:

- (i) on the day on which the notice is received by the Association; or
- (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;

whichever is the later; or

- (b) in any other case:

- (i) at the end of two (2) weeks, or such shorter period as is specified in the Rules of the Association, after the notice is received by the Association; or
- (ii) on the day specified in the notice;

whichever is the later.

9. A member shall cease to be a member in the following circumstances:

- (c) the member resigns in accordance with Rule 8;
- (d) the member is a council that is dissolved;
- (e) the member fails to pay all or any monies due and payable to the Association pursuant to these Rules (whether by way of annual subscriptions or special levies or otherwise) for a period in excess of six (6) months after the due date;
- (f) by order of a court in accordance with the Act.

10. When a member of the Association merges with another council or when a member is to be dissolved such member shall notify the Association of the change.

### **REGISTER OF MEMBERS**

11. The Chief Executive shall keep or cause to be kept a Register of Members in which shall be recorded the name and address of every member of the Association and whether the member is an Ordinary Member or an Associate Member of the Association. Such Register of Members may be inspected during the ordinary office hours of the Association in accordance with any relevant provisions of the Act.

12. An entry of the name of a member in the Register of Members shall be evidence of membership of the Association.

### **ANNUAL SUBSCRIPTIONS**

- 13 (a) All members must pay an annual subscription of such an amount as may be determined by the Board from time to time.
- (b) The Board may determine the amount of subscriptions to be paid by members and in doing so may determine different subscriptions for different classes of members as it sees fit.
- (c) The Chief Executive must give written notice to each member specifying the amount of its subscription.

- (d) A member's subscription is payable within thirty (30) days after notice of the amount of its subscription has been given to it. A member who is in arrears of subscriptions for more than thirty (30) days shall be regarded by the Association as an unfinancial member until such time as subscriptions are paid.
- (e) While soever a member is an unfinancial member that member shall not be entitled to any of the benefits or privileges of membership, including voting at any meeting, conference or election conducted within or by the Association, and shall be precluded from having any delegate or councillor stand for office in the Association.
- (f) Should a member join the Association after more than half of the financial year has expired then the subscription for the remaining period of that financial year shall be fifty (50) percent of the annual fee as may be determined by the Board.
- (g) Notwithstanding the above, the payment by a member or applicant for membership to the Local Government and Shires Association of New South Wales being an organisation registered under the *Industrial Relations Act 1996* (NSW) (the "State organisation") of the prescribed membership contribution or subscription shall constitute payment in full of the membership contributions and fees to the Association.
- (h)
  - (i) In circumstances of hardship, a member may make a request to the Board to have their annual subscription reduced in part.
  - (ii) The Board may consider any such request and grant the member a partial waiver of their annual subscription at the Board's discretion.
  - (iii) Notwithstanding rules 13(d) and (e), a member that is granted a partial waiver of their annual subscription and who pays the revised annual subscription is entitled to such benefits or privileges of membership as may be determined by the Board.

### **SPECIAL LEVIES**

- 14. (a) The Board may make a levy or levies on members from time to time to establish a fund or funds to defray any extraordinary expenditure (incurred or to be incurred) in carrying out a matter to further the objects of the Association.
- (b) The Board may determine, in respect of any particular matter, the amount of levy to be paid by members and in doing so may determine different levy amounts for different classes of members as it sees fit.
- (c) No levy is to be imposed on members for political objects and no donations or other payment for political objects is to be made out of amounts levied by the Association.
- (d) Where a special levy is made under this Rule, the Chief Executive shall give written notice to each member specifying:
  - (i) the amount of the special levy payable by it; and
  - (ii) the purpose for which such special levy is made.

- (e) Nothing in this Rule shall be taken to reduce, qualify or abridge the power of the Board to make arrangements with all, some or a group members for voluntary levies for particular purposes determined by the Board to be in the interests of the Association or some members of it.

#### **DISBURSEMENT OF MONIES RAISED BY LEVY**

- 15. Disbursements of monies raised by levy must be for the purpose for which the levy is made.
- 16. If the purpose for which a levy is made or completed or exhausted, and monies raised by levy remain unexpended, those monies must be reimbursed to members in proportion to the respective amounts of levies paid by members.

#### **CONTROL AND GOVERNANCE OF THE ASSOCIATION**

- 17. The Scheme for control and governance of the Association prescribed by these Rules is in summary form as follows:
  - (a) a Conference of all ordinary and associate members of the Association, which conference shall be the supreme policy making body of the Association;
  - (b) a Board of Directors which shall be responsible for the governance of the Association between Conferences, subject to the resolutions of any Conference from time to time;
  - (c) a Senior Executive Group to assist and make recommendations to the Board in relation to that Committee's responsibilities under these Rules;
  - (d) the President, who shall have the role of representing the Association between conferences and meetings of the Board, shall chair meetings of the Board and the Senior Executive Group, and may act on behalf of the Association between these meetings provided that all such action is consistent with the objects of the Association, any relevant resolutions of conferences and the Board and where there is any such resolution for the purpose of carrying out any such resolution;
  - (e) the Vice Presidents shall participate in Board and Senior Executive Group meetings, chair meetings where the President is unavailable (with the Vice President to chair any such meeting being that Vice President who is from the same group of councils as the President, unless that Vice President is also unavailable) and undertake such other duties as are conferred on those office by these Rules; and
  - (f) the Treasurer shall, subject to the responsibility of the Board under Rule 62, have overall responsibility for the financial administration of the Association, together with such specific duties as are conferred on that office by these Rules.
- 18. A Conference of the members shall be the supreme policy making body of the Association, and while a Conference is sitting the Conference shall have the control and governance of the Association, such that it may take any action or make any decision(s) for the furtherance of the objects of the Association as it may think fit, subject to compliance with these Rules provided that a Conference may not appoint or dismiss staff of the Association.
- 19. The Board is the Committee of Management of the Association for the purposes of the Act, and shall have the control and governance of the Association in between Conferences, such that it may take any action or make any decision during this time as it thinks fit for the furtherance of the objects of the Association in accordance with these Rules, provided that any such action or decision:

- (a) is consistent with any relevant policy decision of the members at a Conference; and
- (b) may be reviewed, amended or quashed by the members at a Conference, except in relation to the appointment or dismissal of staff.

Without limiting the generality of the foregoing the powers of the Board extend to the appointment and dismissal of the Chief Executive (see Rule 70), and to the appointment, constitution and dissolution of committees to investigate for and/or make recommendations to the Board in relation to particular matters falling within the objects of the Association. Any such Committee may, with the consent of the Board, co opt suitably qualified persons to assist the Committee with its work.

20. (a) The Senior Executive Group shall consist of :
- (i) the President, the Immediate Past President (if applicable) the two Vice Presidents and the Treasurer,
  - (ii) two directors chosen by and from the seven (7) directors representing Metropolitan/Urban members of the Association elected in the immediately preceding elections, and
  - (iii) two directors chosen by and from the seven (7) directors representing Rural/Regional members of the Association elected in the immediately preceding elections
- (b) The method of selection of the members of the Senior Executive Group other than the Office bearers shall be determined by the respective college (that is, as specified in paragraphs (20(a)(ii) and 20(a)(iii)) from which they are to be chosen.
- (c) No business shall be transacted at any meeting of the Senior Executive Group unless a quorum is present in person or by telephone or video-conference or a combination of these forms at the same time. The quorum for a meeting of the Senior Executive Group shall be fifty percent of the total number of Senior Executive Group members, plus one.
- (d) The Senior Executive Group shall have the following functions:
- (i) to make a recommendation to the Board as to who it ought appoint as Chief Executive;
  - (ii) to monitor the management of the Association by the Chief Executive, in accordance with and subject to all or any directions prescribed by the Board from time to time;
  - (iii) to develop service standards of the Association and priorities for it, and to monitor its performance;
  - (iv) to recommend to the Board the annual budget of the Association and to provide regular reports to the Board on financial performance;
  - (v) to invest the funds of the Association in accordance with the policy determined from time to time by the Board;

- (vi) to recommend to the Board the remuneration and/or allowances to be paid to the President, other office bearers and other directors;
  - (vii) to recommend to the Board any expenses policies for the Association;
  - (viii) to undertake such other functions as may be delegated to the Group by the Board provided that such functions are subject to supervision and directions for their exercise by the Board.
- (e) A member of the Senior Executive Group shall attend at all meetings of the Senior Executive Group unless granted leave of absence by or having reasonable excuse acceptable to the Senior Executive Group. A failure by a director to attend three consecutive meetings of the Board, the Senior Executive Group or a combination of both without leave shall be deemed to constitute a breach of the duties of a director under these Rules.
21. The President of the Association shall have, in addition to such powers as are specifically conferred on him or her by these Rules, the power to act on behalf of the Association between meetings of the Board, provided that such action(s):
- (a) are consistent with any resolution(s) of the Board, and
  - (b) are for the purpose of carrying out the objects of the Association,

PROVIDED THAT any such actions are consistent with any relevant policy decision(s) of a Conference of the members.

- 21A. (a) The Association shall establish an Industrial Advisory Committee to assist and make recommendations to the Board in relation to industrial relations issues that concern or are likely to concern more than one of the members of the Association either currently on in the future.
- (b) The Industrial Advisory Committee's terms of reference, size and composition shall be determined by the Board, provided that the Committee shall at least include Directors from the Board and general managers of member organisations (or their representatives).
- (c) The Board shall consider recommendations of the Industrial Advisory Committee when making relevant decisions.

## **CONFERENCES**

### General

22. A Conference shall consist of Delegates from all Members of the Association provided that the Member must be financial on both the calculation date and on the date that the roll of voters closes as provided for in Schedule B. Where an Annual Conference does not involve elections for the Board, the roll of voters (for voting on motions) shall be deemed to close eight weeks prior to the first business day of the Annual Conference.
23. The voting delegation to which any Member of the Association is entitled at a Conference of the Association is determined in accordance with the following formula.

## STEP 1

Determine the number of delegates for each member (other than the ALC), by applying the latest population statistics for each council area either published by the Australian Bureau of Statistics (ABS) in ABS publication 3218.0 entitled 'Regional Population Growth Australia' or, where that publication does not contain population statistics for a Member, the latest such statistics as can be obtained from the ABS for that Member (even if on an estimate basis only) as at the calculation date for those Members that were financial on the calculation date, using the following scale:

Group No. (Councils other than County councils)	Population	Delegates
(1)	Up to 10,000	1
(2)	10,001 - 20,000	2
(3)	20,001 - 50,000	3
(4)	50,001 - 100,000	4
(5)	100,001 - 150,000	5
(6)	Over 150,000	7
County councils		
	each Metropolitan/ Urban County council	2
	each Rural/ Regional County council	1
LHIB		1
NIRC		1
Related local government bodies	Each RLGB	1

## STEP 2

- (a) If the ALC is a member of the Association at a time when the formula in this Rule is to be applied, allocate the ALC 9 delegates.
- (b) The 9 delegates from the ALC shall consist of one delegate from each of the 9 ALC Regions constituted under the Aboriginal Land Rights Act 1983 (NSW), each such delegate being a member of the Board of the ALC.
- (c) Treat each such ALC Region as being a Rural/Regional council for the purpose of the Table in Step 1 above, except for the Region for Sydney/Newcastle, which Region shall be treated as a Metropolitan/Urban council for the purpose of that Table.
- (d) The ALC shall notify the Association in writing not later than 28 days prior to the relevant Conference as to allocation of the nine ALC Regions between the nine

members of the ALC Board, identifying which ALC Region is to be represented by which ALC Board member.

### STEP 3

Determine the total voting strength of the Metropolitan/Urban Councils and the Rural/Regional councils as follows.

1. Determine the total number of delegates from Metropolitan/Urban councils and County councils and the total number of delegates from Rural/Regional councils and County councils resulting from the application of Steps 1 and (if applicable) 2.
2. Then add to the total number of delegates from Metropolitan/Urban councils so determined the additional votes given to directors who are delegates from those councils pursuant to Rule 30 and add to the total number of delegates from Rural/Regional councils so determined the additional votes given to directors who are delegates from those councils pursuant to Rule 30.
3. Then add to the total number of delegates from Metropolitan/Urban councils so determined the number of delegates from any RLGB covering the geographic area of Metropolitan/Urban councils (if applicable), and add to the total number of delegates from Rural/Regional councils so determined the number of delegates from any RLGB covering the geographic area of Rural/Regional councils (if applicable).
4. Then add to the total number of delegates from Rural/Regional councils a vote for the delegate from the LHIB and NIRC (if applicable).

### STEP 4

If as a result of Steps 1 – 3 there is a greater number of delegates from the Rural/Regional category than the Metropolitan/Urban category, increase the total number of delegates from the Metropolitan/Urban category, so that that total number is the same as the total number of delegates from the Rural/Regional category, then distribute that additional number of delegates among the Metropolitan/Urban councils (except for the Sydney/Newcastle ALC Region and any RLGB), by attributing to each such council additional delegates in accordance with that council's proportion of the total population of all these councils, rounded off to the nearest whole number.

If as a result of Steps 1 – 3 there is a greater number of delegates from the Metropolitan/Urban category than the Rural/Regional category, increase the total number of delegates from the Rural/Regional category, so that that total number is the same as the total number of delegates from the Metropolitan/Urban category, then distribute that additional number of delegates among the Rural/Regional councils (except for the ALC, the LHIB, the NIRC and any RLGB), by attributing to each such council additional delegates in accordance with that council's proportion of the total population of all these councils, rounded off to the nearest whole number.

### STEP 5

If the adjustment required to be undertaken in Step 4 results arithmetically in a Metropolitan/Urban council or Rural/Regional council being entitled to more than 15 delegates, that council's delegation is capped at 15 delegates.

## STEP 6

Except in the case of the ALC, where any member that has less councillors holding office than the total number of votes to which that member is entitled pursuant to the application of the formula for determining votes under this Rule, the Council affected shall nominate the delegate (or delegates if applicable) who shall be allocated an extra vote . In the case of the ALC, the formula in Step 2 only shall apply.

Example: If a member is entitled to 10 votes but has only 8 councillors holding office, the Council affected will nominate in writing which 2 of those 8 councillors will have an extra vote each, the ultimate outcome being that 6 of the councillors will have 1 vote each and 2 of the councillors nominated by the Council will have 2 votes each.

## STEP 7

On each anniversary of the amalgamation date, carry out steps 1, 3 4, and 5 by reference to the population for each Council area published by the Australian Bureau of Statistics in that edition of ABS publication 3218.0 Regional Population Growth Australia last published prior to that anniversary.

[NOTE: the voting entitlement of Ordinary members in elections is dealt with in Rule 37.]

24. A Conference shall be presided over by the President, and in his or her absence by one of the Vice Presidents. Should neither of the Vice Presidents be present, a Director shall preside.
25. The quorum for a Conference shall be fifty per cent of the total number of delegates to the Conference, plus one. The business of a Conference shall not be conducted unless a quorum is present. In the event of the Conference not having a quorum:
  - (a) A record of the names of voting delegates that are present at the time be taken on return of the electronic handset and voting card.
  - (b) Each constituent council be provided with advice on which of their voting delegates were present and which were not at the time the meeting became inquorate.
  - (c) That all constituent councils be provided with a report detailing which councils had voting delegates who were not present at the time the meeting became inquorate.
26. Subject to Rule 73 (Amendment), any question to be determined by a Conference shall be the subject of a resolution, and a resolution shall be regarded as adopted if it is supported by a majority of the delegates present who vote on the resolution, where the Conference is quorate in accordance with Rule 25.
27.
  - (a) A Conference shall be conducted in accordance with Standing Orders.
  - (b) Standing Orders do not form part of these Rules and may be varied by a resolution of Conference.
28.
  - (a) The Association may establish groupings of members (“divisions”) which may consider and place motions before a Conference.

- (b) The Board may bring any matter falling within the objects of the Association before a Conference of the Association for opinion or actioning.
- (c) A Member may bring any matter falling within the objects of the Association before a Conference of the Association for opinion or action by forwarding a statement to the Chief Executive not less than twenty eight (28) days prior to the first day of the Conference and the Chief Executive shall, subject to any direction from the Board of the Association, place such business upon the Business Paper for the consideration of Conference;
- (d) Where the Chief Executive receives a statement from a Member that it wishes to bring a matter before a Conference and less than twenty eight (28) days notice has been given, the Board may allow the matter to be considered by the Conference as a late item;
- (e) A Conference may, should a majority of the members present so approve, consider any business not introduced as provided for by the foregoing paragraphs, subject to at least 24 hours notice thereof being given;

PROVIDED THAT the Board may exclude any business so proposed if the Board determines that such business concerns a matter not falling within the objects of the Association.

29. Subject to these Rules:

- (a) each Delegate shall be entitled to one vote only;
- (b) except in an election for Office Bearers and Directors, the person presiding over a Conference shall in the case of an equality of votes have a casting vote.

30. Office Bearers of the Association shall be entitled to speak on any matter before a Conference and furthermore any Director (whether an Office Bearer or not) shall be entitled to vote on any matter before a Conference, and in that regard have one vote as a Delegate and an additional vote as a consequence of being Director. In the case of a person presiding over a Conference, the right to a casting vote shall be in addition to the vote as a delegate and the vote as a Director.

### **ANNUAL CONFERENCES**

31. The Annual Conference of the Association shall be held each year at a time and place to be determined by the Board provided that no more than eighteen (18) months shall expire between successive annual general meetings.

32. The notice of the holding of an Annual Conference shall be forwarded to members at least four (4) months before the holding of the Annual Conference. The business paper shall be forwarded to members prior to the Annual Conference.

### **SPECIAL CONFERENCES**

33. (a) A Special Conference of the Association may be convened:
- (i) by the President; or
  - (ii) by resolution of the Board; or

- (iii) by a petition signed by at least 10% of the member councils of the Association.
- (b) Where a Special Conference is called for under sub-rule (a) of this Rule the Chief Executive shall convene a Special Conference for a date not later than four (4) weeks after the receipt of the notice calling for the Conference.

### **DELEGATES TO A CONFERENCE**

- 34. (a) Each member shall nominate its Delegate(s) to a Conference by such date as the Chief Executive may specify. Thereafter no alteration to the list of delegates shall be permitted other than as hereinafter provided.

- (b) **Substitution of voting delegates for voting on motions**

If it is desired to change the nomination of a delegate for voting on motions written notice shall be given to the Chief Executive or his or her nominee of the name of the delegate being replaced and the name of the substitute delegate. Such notification shall be signed by either the Mayor (or Deputy Mayor with the Mayor's written delegated authority) or the General Manager of the Council (or Acting General Manager with the General Manager's written delegated authority), or in the case of the ALC, the LHIB, the NIRC or a RLGB, by the Chairperson or Chief Executive Officer of that entity. The badge and/or voting card of the delegate being replaced shall be surrendered to the Chief Executive or his or her nominee before a fresh badge and/or voting card is issued to the incoming delegate.

- ~~(c) **Substitution of voting delegates for voting in Board elections**~~

~~If it is desired to change the nomination of a delegate for voting in an election, written notice signed by either the Mayor (or Deputy Mayor with the Mayor's written delegated authority) or the General Manager of the Council (or Acting General Manager with the General Manager's written delegated authority), or in the case of the ALC, by the Chairperson or Chief Executive Officer of that entity, shall be given to both the Chief Executive or his or her nominee and the Returning Officer by 5pm the business day before the day of the opening of the ballot.~~

- 35. (a) Subject to clause 16 of Schedule B, a Delegate may not appoint a proxy to attend or vote at a Conference.
- (b) Nothing in sub-rule (a) of this Rule shall prevent the appointment of substitute delegates in accordance with Rule 34.

### **BOARD OF DIRECTORS**

- 36. (a) The Board of the Association (which may be referred to as "the Board of Directors") is the Committee of Management of the Association and shall consist of a President, the Immediate Past President (where applicable under Sub Rules(b) hereof) two Vice-Presidents (one from a Metropolitan/Urban council and the other from a Regional/Rural council), a Treasurer and 14 Committee members (7 from Metropolitan/Urban councils and 7 from Regional/Rural councils).
- (b) The office of Immediate Past President that was established as part of the Rules of the Association that took effect on the Amalgamation Date shall cease upon the date that the current incumbent ceases to hold that office.

- (c) All Directors, whether Office Bearers or not, are required to give proper and diligent attention to their duties to the Association, whether such duties are prescribed by these Rules or by the Act or any other law.
  - (d) Without limiting the foregoing provisions of this Rule, a Director, whether an office bearer or not, is under a duty to the Association to comply with the provisions of the Association's "Code of Conduct – members of the Board" as such Code provides from time to time.
37. (a) It shall be a prerequisite for any person to be nominated or elected to the Board of the Association, or to vote in such an election, that he or she be either a Councillor of a Council which is an Ordinary member of the Association or if the ALC is an Ordinary member, a member of its Board, provided that any such person who is suspended from office under either the *Local Government Act 1993* or the *Aboriginal Land Rights Act 1983*, as the case may be, shall not be eligible.
- (b) An Administrator of a Council that is an Ordinary member shall not be eligible for nomination or election as a member of the Board nor be entitled to vote in any such election.
- (c) Each Council which is an Ordinary member shall be entitled to a maximum voting delegation for Board elections equal to the delegation to which such Council is entitled for voting at Conferences, as prescribed by the formula in Rule 23, and to avoid doubt each of the 9 delegates from the ALC Regions shall be entitled to cast only one vote each.
- (d) In addition to the foregoing, a Director (whether an office bearer or not) shall have a right to vote in elections for the Board next occurring, in addition to any right to vote in such elections arising from being a delegate for a member.
38. Commencing from the Annual Conference first conducted after the Amalgamation Date, Directors shall be elected, or declared elected in the case of a secret postal ballot, biennially at an Annual Conference.
39. (a) As part of the compact between LGA NSW and SA NSW, referred to in Rule 2 of these Rules, it is intended that, so far as practicable, the office of President should alternate regularly between eligible candidates from Metropolitan/Urban councils and Rural/Regional councils. The following provisions of this Rule shall be interpreted in the light of that intention.
- (b) Subject to the limitations provided in the following provisions of this Rule, all Councillors for Ordinary members, or members of the Board of the ALC if it is an Ordinary member, are eligible to nominate for any election for the office of President. In this Rule, such person(s) shall be referred to as "eligible candidates" or "eligible candidate".
- (c) The electorate for the election of the President shall be Delegates of Ordinary members who are entitled to vote at a Conference.
- (d) The term of office for the office of President shall be two years, commencing at the conclusion of the annual Conference in each alternate year, and concluding at the conclusion of the annual Conference in each alternate year thereafter. To avoid doubt,

if such conferences should be more than two (2) years apart due to conference scheduling or venue arrangements, the President shall, subject to these rules, continue to hold office until the conclusion of the conference in the relevant alternate year.

- (e) The eligible candidate elected as President may stand for re-election for President at the following election for President but may only serve two consecutive terms. This does not preclude that eligible candidate standing again for the office of President at a subsequent election for that office, if otherwise eligible.
  - (f) If an eligible candidate from a Metropolitan/Urban council holds the office of President and, being eligible, nominates for a second term in that office, no other eligible candidate from a Metropolitan/Urban council is eligible to nominate for the office of President at such election.
  - (g) If an eligible candidate from a Rural/Regional council holds the office of President and, being eligible, nominates for a second term in that office, no other eligible candidate from a Rural/Regional council is eligible to nominate for the office of President at such election.
  - (h) If an eligible candidate has held the office of President for two consecutive terms (and thus may not nominate to the office of President for a third consecutive term) the only eligible candidates eligible to nominate for the next election for President are eligible candidates from the other category of councils to that from which the retiring President was an eligible candidate.
  - (i) If an eligible candidate holding the office of President vacates that office for any reason, the casual vacancy thereby occurring shall be filled in accordance with the provisions of Rule 44 and (if applicable) Rule 49. In such a case, the eligible candidate elected or appointed to fill the vacancy will be treated as having completed one term in that office, for the purposes of determining eligibility for re-election as prescribed by sub-Rule (e), unless the balance of the term of office after the occurrence of the vacancy is less than one year.
- 40 (a) The office of Vice President (Metropolitan/Urban) shall be filled by election by an electorate that shall consist of those delegates entitled to vote at a Conference from Metropolitan/Urban councils that are Ordinary members and, if the ALC is an Ordinary member, the member of the Board of the ALC who is the delegate for the Sydney/Newcastle ALC Region. The persons entitled to stand for such office are Councillors from Metropolitan/Urban Councils that are Ordinary members and, where the ALC is an Ordinary member, the member of the board of the ALC for the Sydney/Newcastle Metropolitan Region.
- (b) The office of Vice President (Rural/Regional) shall be filled by election by an electorate that shall consist of those Delegates entitled to vote at a Conference from Rural/Regional councils that are Ordinary members and, if the ALC is an Ordinary member, the members of the Board of the ALC who are delegates from those ALC Regions that are treated as Rural/Regional Councils for the purpose of Step 2 of Rule 23. The persons entitled to stand for such offices are Councillors from Rural/Regional councils that are Ordinary members, and if the ALC is an Ordinary member, the members of the board of the ALC who are delegates from those ALC Regions that are treated as Rural/Regional Councils for the purpose of Step 2 of Rule 23.

- (c) The electorate for the election of the Treasurer shall be those delegates of Ordinary members who are entitled to vote at Conferences, together with the members of the board of the ALC if the ALC is an Ordinary member. The persons entitled to stand for such office are Councillors from Councils that are Ordinary members together with members of the Board of the ALC if it is an Ordinary member.
- (d) The various offices of other Directors (Metropolitan/Urban) shall be filled by election by an electorate that shall consist of those delegates entitled to vote at a Conference from Metropolitan/Urban councils that are Ordinary members and, if the ALC is an Ordinary member, the member of the Board of the ALC for the Sydney/Newcastle ALC Region. The persons entitled to stand for such offices are Councillors of Metropolitan/Urban Councils that are Ordinary members and, if the ALC is an Ordinary member, the member of the Board of the ALC for the Sydney/Newcastle ALC Region.
- (e) The various offices of other Directors (Rural/Regional) shall be filled by an electorate that shall consist of those delegates entitled to vote at a Conference from Rural/Regional councils that are Ordinary members, and, if the ALC is an Ordinary member, the members of the board of the ALC who are the delegates from those ALC Regions that are treated as Rural/Regional councils for the purpose of Step 2 of Rule 23. The persons entitled to stand for such offices are Councillors from Rural/Regional councils that are Ordinary members, and if the ALC is an Ordinary member, the members of the board of the ALC who are delegates from those ALC Regions that are treated as Rural/Regional Councils for the purpose of Step 2 of rule 23.
- (f) The term of office for Vice Presidents, Treasurer and the other Directors shall be the same as that for the President, as prescribed by Rule 39 (d), mutatis mutandis. All delegates holding these offices are eligible for re-election without limitation.

## **ELECTION PROCESS FOR MEMBERS OF THE BOARD**

### **GENERAL**

- 41. Elections for Directors (including the Office Bearers) (hereafter “the elections”) shall be conducted by a Returning Officer appointed or authorised under the Act.

### **ELECTION ARRANGEMENTS**

- 42. **Subject to rule 42A**, elections shall be conducted in accordance with the requirements of Schedule B.
- 42A** **If, in the opinion of the Board, it is not possible to hold an in-person Annual Conference in a Board election year due to circumstances beyond the Association’s control, the Board may determine that the elections for Directors (including Office Bearers) be by secret postal ballot conducted in accordance with the requirements of Schedule C.**

### **CASUAL VACANCIES**

- 43. A casual vacancy on the Board of the Association occurs when a Director
  - (a) dies;
  - (b) resigns the position by notice in writing delivered or sent by post to the Chief Executive, and such resignation be accepted;

- (c) is removed from office as a Director in the manner provided for in Rule 50; or
  - (d) ceases to be eligible under the Rules to hold office as a Director.
44. Subject to Rule 48, a vacancy in the office of President shall be filled as follows:
- (a) if the former President came from a Rural/Regional council the Vice-President (Rural/Regional) shall succeed to the office of President;
  - (b) if the former President came from a Metropolitan/Urban council the Vice-President (Metropolitan/Urban) shall succeed to the office of President.

If there be no such Vice-President then in office, the position shall be filled by the Board by the election thereto of a member of the Board.

45. Subject to Rules 48 and 48A, a vacancy in the office of Vice President or Treasurer shall be filled by the Board by the election thereto of a member of the Board.
46. (a) Subject to Rule 48, a vacancy in the office of a Board member shall be filled by the Board by the appointment thereto of the candidate at the most recent election for the Board from the appropriate category of councils for the vacancy who polled highest of the unsuccessful candidates at that election within that category of councils.
- (b) If there be no such candidate as contemplated by sub-rule (a) of this Rule, the position shall be filled by the Board by the election thereof of a person then qualified to hold such position.

[Note: this Rule can be applied to multiple vacancies – see the first dot point at the foot of Rule 3.]

47. A casual vacancy shall be filled within ninety (90) days of the occurrence of such vacancy provided, however, that non-compliance with this Rule shall not invalidate or otherwise prejudicially affect the proceedings of business carried out or performed by the Board during the continuance of any such vacancy beyond the said period of ninety (90) days.
48. Subject to rule 48A, where a casual vacancy or further casual vacancy is to be filled for so much of the part of the term as exceeds three quarters of the term of the office the vacancy shall be filled by way of secret postal ballot in accordance with the provisions appropriate to the election for the vacant office **in Schedule C**.

### **SUSPENSION FROM OFFICE**

- 48A. Notwithstanding any other provision of these Rules, where a casual vacancy occurs more than six months after the commencement of the term of the office concerned because a Director ceases to hold office by reason only of being suspended from office under the *Local Government Act 1993* or the *Aboriginal Land Rights Act 1983*, as the case may be, that vacancy shall not be filled unless that person subsequently becomes eligible to be elected a director by reason of the said suspension ceasing during the balance of the term of the relevant office. In such event the person so removed shall fill the vacancy, provided that person is otherwise eligible for such appointment. No other person will be eligible to fill that vacancy.

## **REMOVAL FROM THE BOARD**

49. (a) The Board may remove from the Board any Director if the person has been found guilty, under the Rules of the Association, of:
- (i) misappropriation of the funds of the Association; or
  - (ii) a substantial breach of the rules of the Association; or
  - (iii) gross misbehaviour or gross neglect of duty.
- [Note: See Rule 36 and Rule 51: Failure by a member of the Board to attend three consecutive meetings of the Board, without leave, constitutes a breach of Rule 51 and gives rise to liability in the director to expulsion from office under (ii) or (iii) above.]
- (b) If a person is believed by the Board to be guilty of any of the offences specified in sub-rule (a) of this Rule the Board shall call on such person to appear before the next meeting of the Board to show cause why that person should not be expelled from his or her position on the Board.
  - (c) The person called to show cause pursuant to this Rule shall be given at least fourteen (14) days notice of the time and place of the meeting to which that person is called. The notice calling such person shall also specify the ground or grounds upon which it is proposed to consider such removal.
  - (d) The Board shall give to any person so called an opportunity to show cause why that person should not be removed from the Board.
  - (e) The Board may proceed to hear and determine the matter under this Rule notwithstanding the absence of the person called if due notice of the hearing has been given in accordance with this Constitution.
  - (f) Where the Board expels a person from the Board in accordance with these Rules, such expulsion shall operate from the date of the decision of the Board.
50. A person ceases to be a Director and vacates his or her position on the Board (by operation of this Rule and without any further action) upon him or her ceasing to be a Councillor of an Ordinary member, or otherwise ceasing under these Rules to be eligible to be a Director.

## **BOARD MEETINGS**

51. The Board of the Association shall meet at least four (4) times each calendar year but shall meet at such additional times as may be required by the President or by requisition in writing to the Chief Executive signed by not less than five (5) directors. The meetings of the Board shall take place at such times and places as may be determined by the Board, and upon not less than forty eight (48) hours notice to its members. Wherever practicable, notice of any meeting of the Board shall be in writing and shall specify the nature of the business to be conducted at the meeting. Without limiting the generality of Rule 36, a director shall attend at all meetings of the Board unless granted leave of absence by or having reasonable excuse acceptable to the Board. A failure by a director to attend three consecutive meetings of the Board without leave shall be deemed to constitute a breach of the duties of a director as referred to in Rule 36.

52. Where the President or a majority of the Office Bearers of the Association believe that business should be considered by the Board before a scheduled meeting, the Board may meet by telephone or videoconference, or a combination of these forms of meeting or communication. Where any such meeting is conducted other than by way of all of the participants being present in person, such meeting shall be as valid as if all participants had met in person provided that:
- (a) wherever practicable all directors are given at least seven (7) days notice of the time, date and agenda for the meeting; and
  - (b) a quorum of directors participate in the meeting by the chosen electronic means or in person.
53. Meetings shall be presided over by the President or, in his or her absence, by one of the Vice Presidents (with the Vice President to chair any such meeting being that Vice President who is from the same group of councils as the President, unless that Vice President is also unavailable); should neither of these be present, the Board may elect a chairperson.
54. The President or person so presiding over a Board meeting shall have control of the meeting and shall call upon members to speak. The person so presiding shall have an original and, in the case of an equality of votes, a second or casting vote.
55. (a) No business shall be transacted at any meeting of the Board unless a quorum is present in person or by telephone or video-conference or a combination of these forms at the same time. The quorum for a meeting of the Board shall be fifty percent of the total number of Board members then holding office, plus one.
- (b) Subject to sub-rule (c), no business shall be transacted at any meeting of the Board unless a quorum is present in person or by telephone or video-conference or a combination of these forms at the same time.
- (c) Where in the opinion of the President a matter requires the urgent consideration of the Board before a scheduled Board meeting, the Board may be consulted in writing (including electronic means) by flying minute. A motion put before the members of the Board by way of flying minute shall become a resolution of the Board as at the date set for return of responses, provided that the motion is supported by at least fifty percent of the total number of Board members, plus one. A resolution passed by way of flying minute shall be reported to the next Board meeting.
56. (Contents of Rule 56 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)
57. (a) The Directors must cause minutes to be made of:
- (i) all appointments of Directors and officers;
  - (ii) the names of the Directors present at each meeting of the Directors;
  - (iii) all orders made by the Directors;
  - (iv) all declarations made or notices given by any Director (either generally or specifically) of their interest in any contract or proposed contract or of their holding of any office or property whereby any conflict of duty or interest may arise; and
  - (v) all resolutions and proceedings or all general meetings and meetings of Directors and retain the minutes in a minute book.

- (b) The minutes of a meeting must be signed by the chairperson of the meeting or the chairperson of the next meeting.
  - (c) In the absence of evidence to the contrary, contents of the minute book that is recorded and signed in accordance with this Sub Rule (d) is evidence of the matters shown in the minute.
58. The Board may exercise any of its powers, duties and functions by itself or by direction to staff or agents of the Association.

### **AUDITOR**

59. (a) The Board shall appoint one or more auditors. Any person appointed as an auditor by the Board must be a registered auditor under the Act.
- (b) The position of auditor becomes vacant on the following grounds:
- (i) the written resignation of the appointed auditor; or
  - (ii) a resolution by the Board passed at a meeting of the Board by an absolute majority of its members on one or more of the following grounds:
    - A. the service is executed to an unprofessional standard; or
    - B. the auditor's costs are considered excessive; or
    - C. if the person ceases to be a registered company auditor.
  - (iii) at the expiration of the term of appointment.
60. The Board may not remove a person as auditor during the person(s) term of appointment without each director and the auditor having been given fourteen (14) days notice of the intention to remove the auditor from office, and may not so remove the auditor(s) without giving the person(s) a reasonable opportunity to make oral submissions on the matter at a meeting of the Board.

### **FINANCE**

61. The sources from which the Association's funds may be derived are as follows:
- (a) amounts of entrance fees, subscriptions, fines, fees, levies or commissions received by the Association;
  - (b) interest, rents or dividends derived from investments of the Association's funds;
  - (c) the proceeds of any disposal of parts of the funds;
  - (d) any monies or credits received in pursuance of the Association's Objects, as defined in Rule 4, or in the exercise of Powers, as defined under Rule 5 of this Constitution.
62. (a) All moneys received for and on behalf of the Association shall be placed to the credit of the Association at such bank or such other financial institution(s) the Board shall direct and all cheques, promissory notes, draft bills of exchange and other negotiable

instruments and all receipts and moneys paid to the Association shall be signed, drawn, accepted, endorsed or otherwise executed as the case may be in such other manner as the Board may determine.

- (b) A loan, grant or donation must not be made by the Association unless the Board has approved the making of the loan, grant or donation and has satisfied itself:
  - (i) that the making of the loan, grant or donation would be in accordance with these Rules; and
  - (ii) in the case of a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory.
- 63. The Board shall have management of the Association's property and investment of funds.
- 64. The Association's funds shall only be expended on the objects of the Association.
- 65. The Association shall develop and implement policies and procedures relating to the expenditure of the Association.
- 66. (Contents of Rule 66 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)
- 67. (Contents of Rule 67 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)
- 68. (Contents of Rule 68 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)
- 69. In respect of each financial year of the Association the accounts and financial statements required to be prepared by the Association shall be prepared, audited, and presented to the Board and a Conference of the members (either Annual or Special as may be required) in accordance with the requirements of the Act, and without limiting the generality of the foregoing:
  - (a) as soon as practicable after the end of each financial year, the Association shall cause to be prepared a General Purpose Financial Report, to be prepared in accordance with the Australian Accounting Standards, from the financial records kept by the Association in relation to the financial year concerned;
  - (b) as soon as practicable after the end of each financial year, the Association shall cause to be prepared an Operating Report in relation to that financial year, the preparation of which Report shall be the responsibility of the Treasurer and staff of the Association acting under his or her instructions and directions;
  - (c) the Association's Auditor must audit the financial records of the Association for each financial year and must furnish to the Board his or her report in relation to that year within a reasonable time of having received the General Purpose Financial Report;
  - (d) the Association shall provide, free of charge to its members, either a full report in relation to each financial year (consisting of a copy of the Auditor's Report, the General Purpose Financial Report and the Operating Report) or if the Board so resolves, a

Concise Report for the said financial year in accordance with the requirements of the Act;

- (e) the Report in relation to a financial year to be presented to members as referred to in the preceding sub-Rule shall be provided to members not less than 21 days before the Auditor's Report, the General Purpose Financial Report and the Operating Report are presented to a Conference of the members following the end of the relevant financial year of the Association;
- (f) the Auditor's Report, the General Purpose Financial Report and the Operating Report in respect of each financial year, shall be presented to a Conference of the members of the Association not later than six (6) months after the end of the relevant financial year or such longer period as may be allowed by a Registrar in accordance with the Act;
- (g) a copy of the Auditor's Report, the General Purpose Financial Report, the Operating Report and any Concise Report in respect of any financial year, shall be lodged with the Office of the Industrial Registrar not later than fourteen (14) days after the presentation of the said reports to a general meeting of the members of the Association.

### **CHIEF EXECUTIVE**

70. The Chief Executive shall be appointed by the Board, which shall be responsible for determining the terms his or her conditions of employment and, if found necessary, the termination of the employment of the Chief Executive. In the exercise of these powers the Board will be guided by, but not bound by any relevant recommendations of the Senior Executive Group.

The Chief Executive shall be responsible for the day to day administration of the affairs of the Association and shall give effect to all directions given to him or her by the Board or, where the Board has authorised the Senior Executive Group or the President to give such directions, the Senior Executive Group or the President, as the case may be. The Chief Executive shall at all times act in accordance with and subject to such directions as are given to him or her pursuant to this Rule.

### **COMMON SEAL**

- 70A. (a) The Association shall have a common seal which shall clearly include the words "Local Government NSW".
- (b) Subject to any resolution of the Board, the common seal is to be kept in the custody of an employee designated by the Board.
- (c) The common seal shall only be affixed to a document in the presence of at least two members of the Board who attest to the affixing of the seal by signing the document.

### **ACCESS TO RECORDS**

71. (a) Except as provided under Rule 62, all records, books, documents, and securities relating to the management and governance of the Association shall be in the custody of the Chief Executive.

- (b) A member of the Association may access the records of the Association in accordance with and subject to the limitations for such access prescribed from time to time by the Act.

### **PATRON OF THE ASSOCIATION**

- 72. (a) In order to recognise outstanding service to Local Government and to the Association, the position of 'Patron of the Association' is created, such position to be honorary only. It shall be open to serving or former elected members, including former Presidents of the Association, the LGA NSW or the SA NSW.
- (b) In the case of serving or former elected members, the Annual Conference shall determine such appointment(s) on the recommendation of the Board.
- (c) In the case of former Presidents, the Board shall determine such appointment(s).

### **AMENDMENT**

- 73. (a) Subject to sub-rules (b) and (c) of this Rule, no alteration, amendment or rescission shall be made to this Constitution unless by resolution of a Conference adopted by a majority of the voting delegates and members of the Board in attendance at any such Conference.
- (b) The Board may make such amendments to the Rules of the Association as it deems fit, on the recommendation of the Fair Work Commission or the advice of the Association's legal advisors, for the following purposes:
  - (i) to ensure that the Rules comply with the Act or any other law; or
  - (ii) to ensure that the Rules remain consistent with the Rules of the industrial organisation of the same name registered under the *Industrial Relations Act 1996* (NSW); or
  - (iii) to correct minor clerical and/or administrative errors,and any such amendments shall be taken to be validly made if adopted by resolution at a duly convened meeting of the Board.
- (c) The Board may make such amendments to Schedule A of the Rules as it deems necessary to remove the names of councils and county councils that have been dissolved and to include the names of new councils and county councils that have been established as a result of the amalgamation of councils/county councils and/or the alteration of council/county council boundaries and any such amendments shall be taken to be validly made if adopted by resolution at a duly convened meeting of the Board.

### **NOTIFICATION OF DISPUTES**

- 74. Any industrial disputes may be notified to the appropriate court or tribunal under the Act by the Chief Executive or such other employee(s) of the Association that have the Chief Executive's delegated authority.

## **DISSOLUTION**

75. In the event that the Association is dissolved or wound up:
- (a) a member shall not be required to contribute to the payment of the debts and liabilities of the Association or the costs, charges and expenses of the dissolution or winding up in an amount which is more than 10% of the member's annual subscription for the financial year in which the dissolution or winding up takes place; and
  - (b) any surplus funds remaining after the dissolution or winding up shall be paid to the members of the Association in the proportion which each member's subscription for the year in which the dissolution or winding up occurred bears to the total amount of subscriptions collected for that year.

## **SCHEDULE A**

### **METROPOLITAN/URBAN COUNCILS AND COUNTY COUNCILS**

See Definition in Rule 3

#### Metropolitan/Urban councils

Bayside; Blacktown; Burwood; Camden; Campbelltown; Canada Bay; Canterbury-Bankstown; City of Parramatta; City of Sydney; Cumberland; Fairfield; Georges River; Hawkesbury City; Hornsby; Hunters Hill; Inner West; Ku-ring-gai; Lane Cove; Liverpool; Mosman; Northern Beaches; North Sydney; Penrith; Randwick; Ryde; Strathfield; Sutherland Shire; The Hills Shire; Waverley; Willoughby; and Woollahra.

NOTE: The Sydney/Newcastle region of the ALC is treated under the Rules as being a Metropolitan/Urban Council – see Rule 23, Step 2, paragraph (c).

#### Metropolitan/Urban County councils

Hawkesbury River

End of Schedule A

## **SCHEDULE B**

### **RULES FOR CONDUCT OF ELECTIONS IF EXEMPTION IS APPROVED BY FAIR WORK COMMISSION/ INDUSTRIAL REGISTRAR**

#### **General**

1. The Board shall appoint a Returning Officer not being the holder of any other office in and not being an employee of the Association, and who shall not be a candidate at the election. [NB: under Act the Returning Officer for such elections will be an officer of either the Australian Electoral Commission or the State Electoral Commission, as the case may be, unless exemption is obtained under such legislation.]
2. The Returning Officer shall notify the Chief Executive that he or she is required to deliver a list of ordinary members entitled to vote in the election of members of the Board.
3. The Roll of Voters is to be determined by the Association in accordance with the requirements of Rule 37 and must be closed seven (7) days prior to the date upon which the Returning Officer calls nominations for an election pursuant to these Rules.
4. The Board may determine the form of any nomination form(s) subject to the requirements of the Act.
5.
  - (a) The Returning Officer shall cause an election notice inviting nominations for the office of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members to be published in the Association's official journal and sent to each Ordinary member council by post at least seven (7) weeks prior to the first business day of the Annual Conference in an election year. Such notice shall prescribe the time and date prescribed by these Rules for the closing of nominations.
  - (b) Nominations must be lodged with the Returning Officer, which may be done by electronic means, before the time and date specified for receipt of nominations.
  - (c) Where the nominee is a member of a political party that is registered with either the NSW Electoral Commission (for State or Local Government elections) or the Australian Electoral Commission (for Federal elections) the nominee shall declare the name(s) of such registered political party membership(s) on the nomination form.
6. The persons proposing and seconding a nomination for the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members must be elected members of any Council, as defined in Rule 2, which is an ordinary member of the Association. Nominations shall be signed by the proposer and seconder, and consented to in writing by the candidate.
7. A candidate may nominate for more than one office or position that is subject to an election however, election to the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) shall automatically exclude the candidate so elected from election to any other office or position on the Board.

8. Nominations for the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members must reach the Returning Officer at least four (4) weeks prior to the first business day of the Annual Conference in the relevant year.
9. If the Returning Officer should receive a nomination that is defective, the Returning Officer shall not immediately reject the nomination but shall instead give the candidate concerned written notice of the defect and where practicable at least seven (7) days to remedy the defect.
10. A nomination for election may be withdrawn by a candidate, provided that notice of withdrawal in writing is received by the Returning Officer no later than seven (7) days before the holding of the ballot.
11. Details of nominations that have been accepted shall be placed before constituent councils before the Annual Conference.
- 11A. The Returning Officer shall conduct a public draw to determine the order of candidates on the ballot paper.
12. Material (e.g. pamphlets, brochures, notices) which is intended or likely to affect voting in an election may not be distributed unless it contains the name and address of the person who authorised it and the name of the relevant political party.
13.
  - (a) In the event that for any office or position to be filled the number of nominations does not exceed the number of persons to be elected then the persons nominated shall be elected to those positions.
  - (b) Where the nominations received are insufficient to fill all vacancies, the Board at its first meeting after the Annual Conference at which it was elected shall determine whether the number and type of vacancies are such as to require that the vacancies be filled and if it so determines, request the Returning Officer to conduct a further election by way of a secret postal ballot of members to fill such vacancies. Such secret ballot shall be conducted in accordance with the requirements of these Rules for the conduct of elections, so far as they can apply to a secret ballot.

#### Conduct of Elections at the Annual Conference

14.
  - (a) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of President, Treasurer, Vice President (Rural/Regional), or Vice President (Metropolitan/Urban), the election shall be conducted at the Annual Conference by way of a secret ballot using the standard preferential system of voting. Voters must mark a preference for all candidates.

Where two or more candidates have an equal number of votes, the candidate who is successful or is to remain in the count at an exclusion shall be the candidate first drawn by lot.

(b) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of other directors the election shall be conducted at the Annual Conference using the proportional system of voting, as described below.

Voters must mark a preference for all candidates.

To be elected, except as provided in the last paragraph of this Rule, a candidate needs to gain a certain proportion (or quota) of the formal votes. The quota is calculated by dividing the total number of formal first preference votes in the count by one more than the number of officers to be elected; and adding one to the result, disregarding any remainder.

The ballot papers are sorted according to the first preference on each paper.

If a candidate receives more first preference votes than the quota, they are immediately elected and, unless all vacancies have been filled, their surplus votes are passed on to the continuing candidates listed on the ballot paper; based on the voter's next available order of preference.

The transfer value of the surplus votes is calculated by dividing the elected candidate's total of surplus votes by the total number of the candidate's votes, and is applied to each of the ballot papers of the elected candidate. The result is taken to the fourth decimal point.

The number of votes to be transferred, disregarding any fraction, shall be added to the continuing candidate(s)' votes.

If any of those candidates who received the surplus votes now have more than the quota they are elected. Their surplus votes are transferred to the candidate listed as the next preference on all of the ballot papers. This is done by dividing the surplus votes by the total number of ballot papers the candidate has received (first preferences plus transferred ballot papers). This process continues until there are no more candidates with enough votes to be elected.

Where, on the counting of the first preference or on any transfer, more than one candidate has a surplus, the largest surplus shall be dealt with first.

Where two or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be dealt with first, and, if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide by lot which candidate's surplus shall be dealt with first.

To fill any remaining places not filled by the above process, the candidate with the smallest number of votes is excluded and votes for this candidate are transferred to the remaining continuing candidates. This is done at the value at which the votes were received by the candidate to be excluded. When the transfer of these preferences gives a candidate a quota, that candidate is elected.

Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers the Returning Officer shall decide by lot which candidate's votes shall be distributed.

Where the contest for the last seat is close, it is common for the final two continuing candidates to both have less than a quota. In this case, the continuing candidate with the highest number of votes is elected.

15. (a) Where an election is required at the Annual Conference, the voters in such an election shall be the Delegates who are by virtue of Rule 37 of the Association's Rules entitled to vote in such election.
- (b) The Returning Officer shall issue the ballot paper(s) to the voters, such ballot paper(s) to include:
  - (i) the Returning Officer's initials;
  - (ii) the name of each candidate for the office/position to be filled, including the candidates declared registered political party membership(s);
  - (iii) such other information as the Returning Officer deems appropriate.
16. If a delegate of a member or a member of the Board cannot for any reason be present at the Conference to vote in any election (hereafter referred to as "the absentee"), the absentee may by notice in writing signed by the absentee and delivered to the Returning Officer before 5pm on the business day immediately prior to the first business day of the Conference appoint another delegate from the same member to exercise the absentee's right to vote in the election.
17. Where required, the ballots shall be conducted in the following manner, to the extent practicable:
  - (a) the ballot for the office of President shall be conducted first;
  - (b) after the completion of the ballot for President, the ballot for the office of Treasurer shall be conducted next;

- (c) the ballots for the offices of Vice President (Rural/Regional) and Vice President (Metropolitan/Urban) shall be undertaken after the ballot for the office of Treasurer;
- (d) the ballots for Board members shall be conducted after all previous elections are completed.

Every person concerned in the ballot shall ensure as far as practicable that no irregularity occurs in the ballot.

#### Scrutineers

- 18. Each candidate at any election shall have the right, if he or she so desires, to appoint ~~before the closing of the ballot~~ a scrutineer to represent him or her in the ballot, and shall give notice of any such appointment of a scrutineer in writing to the Returning Officer. The Association may appoint an employee of the Association to scrutineer for it at any election by giving notice in writing of such appointment to the Returning Officer.
- 19. Every scrutineer shall, so far as is possible having regard to the time of their appointment, have the following rights and duties:
  - (a) to be present with the Returning Officer when the ballot papers are being handed out to voters and to watch the interests of the person whom they represent; and
  - (b) to be present with the Returning Officer when the ballot papers are opened and when the votes are counted and to watch the interests of the person whom they represent, but no election shall be vitiated by reason of the fact that a scrutineer did not exercise any or all of their rights or duties if they had a reasonable opportunity to do so.
- 20. Scrutineers shall have the right to question the inclusion or exclusion of any ballot paper but the decision of the Returning Officer shall, subject to the Act, be final.
- 21. Scrutineers may not remove, mark, alter or deface any ballot paper or other documents used in the ballot.

End of Schedule B

## SCHEDULE C

### RULES FOR CONDUCT OF ELECTIONS BY SECRET POSTAL BALLOT

#### General

1. The Board shall appoint a Returning Officer not being the holder of any other office in and not being an employee of the Association, and who shall not be a candidate in the election. [NB: under Act the Returning Officer for such elections will be an officer of either the Australian Electoral Commission or the State Electoral Commission, as the case may be, unless exemption is obtained under such legislation.]
2. The Returning Officer shall notify the Chief Executive that he or she is required to deliver a list of Ordinary members entitled to vote in the election.
3. The Roll of Voters for the election is to be determined by the Association in accordance with the requirements of Rule 37 and must be closed seven (7) days prior to the date upon which the Returning Officer calls for nominations for an election pursuant to these rules.
4. The Returning Officer may determine the form of any nomination form(s) subject to the requirements of the Act and these rules.
5.
  - (a) The Returning Officer shall cause an election notice inviting nominations for the office(s) subject to an election to be published in the Association's official journal and sent to each Ordinary member by post at least seven (7) weeks prior to the opening of the ballot.
  - (b) A nomination form shall be enclosed with the election notice when sent by post.
  - (c) The election notice shall:
    - (i) prescribe the time and date for the closing of nominations;
    - (ii) require voting members to advise the Association of the names and postal addresses of their nominated voting delegates (who are to be issued ballot papers in the election) at least two (2) weeks prior to the opening of the ballot; and
    - (iii) contain such other information as the Returning Officer deems appropriate.
6. The persons proposing and seconding a nomination for the vacant office must be either a Councillor of a Council which is an Ordinary member of the Association or if the ALC is an Ordinary member, a member of its Board, provided that any such person must not be suspended from office under either the *Local Government Act 1993* or the *Aboriginal Land Rights Act 1983*, as the case may be. Nominations shall be signed by the proposer and seconder, and consented to in writing by the candidate.
7. Where the nominee is a member of a political party that is registered with either the NSW Electoral Commission (for State or Local Government elections) or the Australian Electoral Commission (for Federal elections) the nominee shall declare the name(s) of such registered political party membership(s) on the nomination form.

8. Nominations must be lodged with the Returning Officer, which may be done by electronic means, before the time and date specified for receipt of nominations.
9. In the event of multiple offices being filled in the same postal ballot, a candidate may nominate for more than one office or position that is subject to an election however, election to the offices of President, Treasurer, Vice President (Rural/Regional) or Vice President (Metropolitan/Urban) shall automatically exclude the candidate so elected from election to any other office or position on the Board.
10. Nominations for election must reach the Returning Officer at least four (4) weeks prior to the close of the ballot.
11. A nomination for election may be withdrawn by a candidate, provided that notice of withdrawal in writing is received by the Returning Officer no later than seven (7) days before the holding of the ballot.
12. If the Returning Officer should receive a nomination that is defective, the Returning Officer shall not immediately reject the nomination but shall instead give the candidate concerned written notice of the defect and where practicable at least seven (7) days to remedy the defect.
13.
  - (a) If there be no more candidates than the number required to be elected those nominated shall be declared to be elected and if there be more candidates for any office than required to be elected an election by secret ballot shall be held. Pending the declaration of the result of any such election the persons holding office shall retain office.
  - (b) Where the nominations received are insufficient to fill all vacancies, the Board at its first meeting after the Annual Conference at which it was elected shall determine whether the number and type of vacancies are such as to require that the vacancies be filled and if it so determines, request the Returning Officer to conduct a further election by way of a secret postal ballot of members to fill such vacancies. Such secret ballot shall be conducted in accordance with the requirements of these Rules for the conduct of elections, so far as they can apply to a secret ballot.
14. The Returning Officer shall, for each office/position to be contested, conduct a public draw to determine the order of candidates on the ballot paper.
15. The Association shall provide to the Returning Officer the names and postal addresses of nominated voting delegates at least one week prior to the opening of the ballot.
16. The Returning Officer shall make such arrangements for absent voting as will ensure that any voting delegate not able to vote by way of secret postal ballot may be able to vote on an absentee basis.
17. The Returning Officer shall issue the required number of ballot papers, a declaration envelope(s) and a prepaid envelope(s), in the form prescribed by the Act, to be handed or posted to each voting delegate not less than fourteen (14) days before the closing of the ballot. The ballot paper shall include:
  - (a) the Returning Officer's initials;

- (b) a description of each office/position to be filled, including the number of offices/positions to be filled;
  - (c) the name of each candidate for each office/position to be filled, including the candidates declared current registered political party membership(s);
  - (d) instructions on how to complete the ballot paper;
  - (e) the name and address of the Returning Officer to whom the ballot paper(s) shall be returned, the closing date and the time for receipt of votes and instructions that the ballot papers shall be placed in the declaration envelope and returned to the Returning Officer in the prepaid envelope; and
  - (f) such other information as the Returning Officer deems appropriate.
18. The ballot papers shall be placed in the declaration envelope and returned in the prepaid envelope to the Returning Officer on or before the closing date fixed for voting.
  19. The non-receipt of a ballot paper by a member entitled to vote, or the non-return of a ballot paper or the return of a ballot paper improperly filled in or not enclosed in a sealed envelope, shall not invalidate the ballot.
  20. No voter shall vote for a greater or lesser number of candidates than the number directed on the ballot paper and any vote or ballot paper contrary to this provision or otherwise improperly filled in shall be informal.
  21. The Returning Officer shall arrange for the use of a post office box or other receptacle to which ballot papers may be returned to him/her and arrange for the same not to be opened by any other person.
  22. The Returning Officer shall count the votes indicated upon the ballot papers which are properly marked. The candidates who receive the greatest number of votes shall be progressively elected until all offices required to be filled are filled.
  23. The Returning Officer shall arrange for votes to be counted and shall within three days after the closing date for voting declare the result of the ballot to the members of the Association by post or in such manner as the Board may from time to time prescribe and the candidate or candidates declared elected shall assume office from the date that the Returning Officer declares the result of the election.
  24. Every person concerned in the ballot shall ensure as far as practicable that no irregularity occurs in the ballot.

Elections for the offices of President, Treasurer, Vice President (Rural/Regional), or Vice President (Metropolitan/Urban)

25. In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of President, Treasurer, Vice President (Rural/Regional), or Vice President (Metropolitan/Urban), the election shall be conducted using the standard preferential system of voting. Voters must mark a preference for all candidates.

26. Where two or more candidates have an equal number of votes, the candidate who is first drawn by lot by the Returning Officer shall be declared elected.

Elections for the offices of other directors

27. In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of other directors the election shall be conducted using the proportional system of voting, as described below.

- (a) Voters must mark a preference for all candidates.
- (b) To be elected, except as provided in the last paragraph of this rule, a candidate needs to gain a certain proportion (or quota) of the formal votes. The quota is calculated by dividing the total number of formal first preference votes in the count by one more than the number of officers to be elected; and adding one to the result, disregarding any remainder.
- (c) The ballot papers are sorted according to the first preference on each paper.
- (d) If a candidate receives more first preference votes than the quota, they are immediately elected and, unless all vacancies have been filled, their surplus votes are passed on to the continuing candidates listed on the ballot paper; based on the voter's next available order of preference.
- (e) The transfer value of the surplus votes is calculated by dividing the elected candidate's total of surplus votes by the total number of the candidate's votes, and is applied to each of the ballot papers of the elected candidate. The result is taken to the fourth decimal point.
- (f) The number of votes to be transferred, disregarding any fraction, shall be added to the continuing candidate(s)' votes.
- (g) If any of those candidates who received the surplus votes now have more than the quota they are elected. Their surplus votes are transferred to the candidate listed as the next preference on all of the ballot papers. This is done by dividing the surplus votes by the total number of ballot papers the candidate has received (first preferences plus transferred ballot papers). This process continues until there are no more candidates with enough votes to be elected.
- (h) Where, on the counting of the first preference or on any transfer, more than one candidate has a surplus, the largest surplus shall be dealt with first.
- (i) Where two or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be dealt with first, and, if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide by lot which candidate's surplus shall be dealt with first.
- (j) To fill any remaining places not filled by the above process, the candidate with the smallest number of votes is excluded and votes for this candidate are transferred to the remaining continuing candidates. This is done at the value at which the votes were received by the candidate to be excluded. When the transfer of these preferences gives a candidate a quota, that candidate is elected.

- (k) Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers the Returning Officer shall decide by lot which candidate's votes shall be distributed.
- (l) Where the contest for the last seat is close, it is common for the final two continuing candidates to both have less than a quota. In this case, the continuing candidate with the highest number of votes is elected.

#### Scrutineers

- 28. Each candidate at any election shall have the right, if he or she so desires, to appoint a scrutineer to represent him or her in the ballot, and shall give notice of any such appointment of a scrutineer in writing to the Returning Officer. The Association may appoint an employee of the Association to scrutineer for it at any election by giving notice in writing of such appointment to the Returning Officer.
- 29. Every scrutineer shall, so far as is possible having regard to the time of his/her appointment have the right to be present with the Returning Officer when the ballot papers are opened and when the votes are counted and to watch the interests of the person whom he/she represents, but no election shall be vitiated by reason of the fact that a scrutineer does not exercise any or all of his/her rights or duties if he/she has a reasonable opportunity to do so.
- 30. Scrutineers shall have the right to question the inclusion or exclusion of any ballot paper and the decision of the Returning Officer shall, subject to the Act be final.
- 31. Scrutineers may not remove, mark, alter or deface any ballot paper or other documents used in the ballot.

End of Schedule C

\*\*\*END OF RULES\*\*\*

## STATE CONFERENCE

### STANDING ORDERS – STATE

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

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

#### Quorum

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

Note: for the purposes of the 2020 Conference, the total number of Delegates on the date that the roll of voters closed [midnight (AEST) on Sunday, 27 September 2020) was 475. Therefore, the quorum shall be **239**.

[ $475/2$ ] + 1, rounded up to the nearest whole number = 239].

#### Presiding at the Conference

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

#### Conduct of Delegates

3. When the Chairperson speaks, all Delegates will remain silent and maintain order.

4. All Delegates who wish to speak to the Conference shall:

- a. Type the following information into the chat:

- i. The reason for speaking (in summary form)

E.g.

- “MOVE”
- “SECOND”
- “SPEAKER FOR”
- “SPEAKER AGAINST”
- “AMENDMENT”
- “FORSHADOWED AMENDMENT”
- “POINT OF ORDER”
- “PUT THE MOTION”
- “DISSENT”

- ii. Delegate’s name (“John Citizen”)

- iii. Member/Council name (“XXX Council”)

Example: 

<b>MOVE, Cr John Citizen, XXX Council</b>
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- b. when prompted by the Chairperson, state their name, title, and, the member they represent,
  - c. address Delegates through the Chairperson.
5. Delegates shall address the Conference in a manner befitting to the reputation of Local Government and ensure that the reputation of Local Government and the Association is maintained and enhanced throughout proceedings.
  6. A Delegate commits an act of disorder if the Delegate, at a session of a Conference:
    - a. moves or attempts to move a motion or an amendment that has an unlawful purpose;
    - b. says or does anything that is inconsistent with maintaining order at the Meeting or is likely to bring Local Government and/or the Association into contempt or disrepute;
    - c. assaults or threatens to assault another Delegate or person present at the meeting; or
    - d. insults or makes personal reflections on or imputes improper motives to any other Delegate.
  7. The Chairperson may require a Delegate to:
    - a. retract any comment or remark that constitutes an act of disorder;
    - b. apologise without reservation for an act of disorder; or
    - c. withdraw a motion or an amendment that has an unlawful purpose.
  8. A Delegate may be expelled from a session of Conference for not complying with standing orders 5, 6 or 7 only by a majority vote of Conference delegates.
  9. Board Members of the Association shall be permitted to speak on any matter before a Conference.

### **Manner of dealing with Conference Business**

10. Conference Business will be dealt with in any order at the discretion of the Chairperson.
11. Nothing in these Standing Orders shall prevent the Chairperson from dealing with motions concurrently.

### **In the case of motions**

12. The Chairperson, upon coming to a motion set out in the Business Paper, must ask whether there is any dissent to the proposed resolution the subject of the item and, if no dissent be signified, may at any time, declare the motion carried.
13. Where dissent is signified, the Chairperson shall require the motion to be moved and seconded. If there be no seconder after a reasonable opportunity of not less than 10 seconds, the Chairperson may declare the motion lapsed.
14. If the motion is moved and seconded, the Chairperson may, at any time during debate, make such inquiries as to the nature of the dissent so as to confine any debate to the issues genuinely in dispute or to explore amendments to the proposed resolution which satisfactorily accommodate the moving and dissenting Delegates and Delegates generally.

15. Movers of motions shall be permitted two (2) minutes to introduce their proposed resolution into debate and one and a half (1.5) minutes in reply. All other speakers shall each be permitted to speak once for one and a half (1.5) minutes. The Conference may, on application by a speaker, permit that speaker to have one, but only one, further period of one and a half (1.5) minutes in which to speak.
16. A Delegate seconding a motion shall not be permitted to speak until at least one Delegate has spoken in dissent.
17. The Chairperson may, during the course of debate direct a speaker to confine his or her speech so as to:
  - a. limit repetition of matters addressed by other speakers;
  - b. limit debate about matters or issues not genuinely disputed.
18. Except as otherwise provided herein, it shall not be in order to move that any resolution be immediately put until at least two Delegates, in addition to the mover and the seconder, shall have had an opportunity to speak on the resolution then before the Conference.
19. A Delegate can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the Conference until a decision is made on the motion of dissent;
  - a. If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course; and
  - b. Despite any clause to the contrary, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.
20. A Delegate may not substitute from the floor of the Conference a new motion for one listed in the Business Paper unless the new motion is substantially the same, and dealing with the same subject matter, as the original motion, and the new motion is accompanied by written evidence that it has the support of the member concerned.
21. When an amendment is before the Conference, no further amendment shall be discussed until that amendment has been dealt with.
22. No more than one amendment upon any motion shall be considered unless notice of such further amendment is given before the amendment then under discussion has been dealt with.
23. The mover of an amendment which has been adopted as the motion shall (as in the case of the mover of an original motion) have the right of reply to any further amendments submitted.

#### **New motions from the floor of Conference**

24. At least 24 hours' notice shall be given before dealing with any new motions introduced during the Conference (Rule 28(d)).
25. Where a Member seeks to introduce a new motion during the Conference, they shall submit the motion and evidence that the motion has the support of the member concerned, to the Association's Chief Executive (or the Chief Executive's nominee), in writing.

26. The Chief Executive (or the Chief Executive's nominee), upon receiving a new motion submitted during the Conference, shall immediately record the time that they receive the motion and make arrangements for copies of the motion to be provided to Delegates.

#### **Motions that reflect existing LGNSW policy**

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

#### **In the case of all other Conference Business**

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

#### **Manner of voting**

29. Only Members' nominated voting Delegates and members of the Board may debate and vote on motions.
30. Voting on any matter shall be by use of electronic voting (poll by electronic means).
31. On conclusion of a vote the Chairperson may either declare the question resolved in the affirmative or negative.

#### **Suspending Standing Orders**

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

#### **Outstanding business**

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

#### **Contingency Standing Order for the 2020 LGNSW Annual Conference**

34. A delegate may move that all remaining motions be referred to the Board for determination. This standing order only applies for the 2020 LGNSW Annual Conference which is being conducted online due to COVID-19 restrictions.

## CATEGORY 1 MOTIONS

### Association business

#### 1 LGNSW Board

#### Standing Orders

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

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

#### 2 LGNSW Board

#### LGNSW Fundamental Principles

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

##### Economic

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

##### Infrastructure

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

##### Planning

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

##### Environment

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

##### Social and Community

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

##### Governance

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

## Accountability

- K - Local government is responsible and accountable to the citizens and the communities it represents, through consultative processes, legislative accountabilities, efficient delivery of services and effective customer service
- L - Local government is recognised as a responsible and place-based employer

## Note from Board

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

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

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

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

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

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

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

## 3 Mosman Municipal Council

## Local Government State Award

That Local Government NSW conducts an independent review of the current arrangements and procedures for negotiating and finalising the Local Government State Award, and any interim or variation to that award, by a suitably experienced consultant such as a former tribunal member, to ensure best practice governance and transparency for its members is achieved.

## Note from Council

The current COVID-19 pandemic has compelled local government in NSW to consider new ways of managing staff, which are flexible and safe but also meet the service expectations of the community. The recent Splinter Award variation illustrates the need for prompt industrial relations action which balances staff well-being with the financial difficulties, logistical challenges and variable work flows experienced by many councils.

At the same time a new Local Government Award was being devised and negotiated in a manner which has followed long standing precedents but could benefit from a strategic review and consideration of the future needs and sustainability of the sector.

The scope of the review should include, but not be limited to, the role of the Award Working Party, the role of the Employment Matters Reference Group, the role of the newly created Industrial Relations Committee and the role of the Board of LGNSW and how we, as an industry, can ensure we deliver effectively and efficiently for our communities. The review should also consider how the NSW Local Government Award performs when compared with other Australian jurisdictions and best

practice. The findings of the review should be considered by LGNSW membership and shared in advance of discussion at the LGNSW Conference in 2021.

#### **4 Kyogle Council**

#### **LGNSW Board reform**

That:

1. Local Government NSW (LGNSW) explores options for amending the LGNSW Rules (State and Federal) with the objective of:
  - a. Ensuring that the composition of the Board includes an approximately equal number of urban based, regionally based and rurally based representatives; and
  - b. motions debated and passed at LGNSW Annual Conferences are pursued by the Board with priority motions being determined by the number of votes received to establish the political agenda of LGNSW.
2. Local Government NSW provides to the 2021 or 2022 LGNSW Annual Conference a report addressing the matters raised in 1 above, and also a motion if the LGNSW Board considers it appropriate.

#### **Note from Board**

The LGNSW Board currently has equal representation of Metropolitan/Urban Directors and Regional/Rural Directors.

#### **Note from Council**

This motion is to ensure that there is an even mix of city and country members on the Board of LGNSW and that there is representation for the NSWALC on the Board.

#### **5 Murray River Council**

#### **Future conferences and training online**

That Local Government NSW gives consideration to:

1. Future conferences being online or having an online component to enable councillors who cannot travel to participate, and
2. Future training offerings for councillors online to enable more councillors to participate in learning and development activities without the inconvenience and cost of travel.

#### **Note from Council**

The LGNSW Conference in 2020 has been impacted by COVID-19, requiring an alternative online format. Given the cost to ratepayers of councillor travel and accommodation for conferences, an option to have either future conferences accessible online or to have elements of them online would promote greater participation of councillors across NSW while keeping ratepayer costs to a minimum.

Most councillors balance their civic responsibilities with jobs and family commitments. It is important that all councillors have the skills necessary to discharge their responsibilities as Councillors. The offer of more online training and development opportunities would promote councillor development, keep travel costs and time commitments down and enable councillors to better balance their civic and other commitments.

## National Cabinet

### 6 Newcastle City Council

### Local government exclusion from National Cabinet

That Local Government NSW:

1. Notes with disappointment that local government is not represented on the newly formed National Cabinet and seeks their assistance in requesting that First Ministers review the decision to exclude local government;
2. Seeks meetings with the Prime Minister and the Premier to discuss in more detail the importance of having local government representation on National Cabinet and the value of partnerships with councils in achieving the objectives of the National Cabinet and the national reform agenda; and
3. Notes that the Australian Local Government Association, Local Government NSW and other state/territory local government associations will continue to advocate for local government representation on the National Cabinet and for local government's interests in all relevant forums.

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

#### Note from Council

On 13 March 2020, as the COVID-19 pandemic took hold around the world, the Council of Australian Governments (COAG) met in Sydney to discuss a range of issues of national importance. At that meeting First Ministers (the Prime Minister, Premiers and Chief Ministers) agreed to establish a National Cabinet to meet at least weekly to address the country's response to the COVID-19. The focus was primarily on the health and wellbeing of Australians and managing the health response. Over time, National Cabinet has broadened its agenda to include a focus on managing COVID-19 impacts across Australia. There was no local government representation on National Cabinet when it was established on the basis that its focus was on health, and there remains no local government representation to this day.

Australians expect their three levels of government to be working together, and to see evidence of that. Including local government in National Cabinet would demonstrate a strong unity of purpose and a combined commitment to promote and implement National Cabinet decisions across the broadest implementation platform available to government.

### City of Canterbury-Bankstown

### Local government representation on the National Cabinet

That Local Government NSW advocates to the NSW and Australian Governments to highlight the critical necessity for local government representation on the newly formed National Cabinet, and request that First Ministers review the decision to exclude local government.

#### Note from Council

Local Government in Australia has enjoyed many years at the table of the Coalition of Australian Governments (COAG), rightly representing the interests of the tier of government closest to the people we all serve. Back in 1992, when COAG was convened, local government was included because all parties recognised its direct impact on people's daily lives in terms of the provision of local services and infrastructure.

The challenge facing National Cabinet over the coming months is unlike any which has faced Australian governments in recent times. What is required is a concerted, coordinated and complementary efforts of all tiers of government to rebuild consumer confidence, support business and bolster employment. Local governments are willing and necessary partners in developing and implementing reform. Getting it right on the ground is local government's area of strength.

Local government is best placed to drive locally-led recovery. Councils support economic growth through regional development policies and initiatives, strategic and land use planning, targeted investment attraction, prioritisation of local procurement, and focusing their annual investment on infrastructure that serves the community and business alike. Many councils also provide business networking opportunities, business training, mentoring, incubator facilities and employment hubs.

Decisions about how our Federation works and how it can be improved or reformed require all three tiers of government working together to align their policies and programs. Australians expect that government



## Disaster management, recovery and resilience

### 7 Blayney Shire Council

### Emergency management reform

That Local Government NSW advocates to the NSW Government, specifically Resilience NSW to transfer responsibility for emergency management to the NSW Government to deliver the following outcomes:

- Decentralisation of emergency management roles to regional NSW providing stronger local knowledge and employment in the regions.
- Improved capacity for resilience and recovery planning with that resource capable to transition directly into leading recovery (instead of local government).
- Significant efficiency gains in the emergency management space with a greater capacity for more on-ground professional emergency management personnel in each local government area or agreed combined areas.
- More consistent emergency management outcomes regardless of the size or capacity of the council (which itself is highly variable).
- Improved strategy and delivery of emergency services infrastructure through integration.
- Improved alignment by allowing local councils and the NSW Police to focus on their core roles.
- Improved facilities, support and training for emergency service volunteers.
- A significant boost to the financial sustainability of all councils in NSW.
- A greater capacity within local councils to develop and implement permanent resilience improvements (e.g. on critical infrastructure).
- Local councils still have a critical role to play in emergency management planning and response through a 'seat at the table', and,
- That the transfer of responsibility includes removal of the \$120 million local government annual contribution to emergency services and the transfer of ownership of Rural Fire Services and State Emergency Services infrastructure from local government to the NSW Government.

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

#### Note from Council

Recent disasters across NSW have highlighted the challenges in emergency response and recovery, with overlaps and gaps, unclear responsibilities and in some cases inadequate funding, training, experience and resources.

At present, local government has multiple roles to play in emergency management including:

- Convening, and chairing Local Emergency Management Committees and Recovery Committees.
- working with State agencies to identify and prioritise risk mitigation options.
- undertaking an all-hazards approach to emergency risk management.
- working with insurers to minimise disaster risk exposure.

These arrangements are considered a poor structural model, that is going to grow and shift more cost to local government, it is therefore our view that now is the time for local government to be heard, and for NSW Government to completely overhaul Emergency Management in regional NSW.

Inserting a paid Emergency Management Officer into local government is a short term and fragile mechanism that will not serve our communities, nor government well into the future, either in the response or recovery phases of natural disasters. To train, have back-up and proper career pathing in the emergency management space requires a robust professional emergency management organisation with appropriate depth and breadth of expertise and experience.

This motion advocates for the removal of the \$120m annual contribution to emergency services, and transfer of ownership of Rural Fire Services and State Emergency Services infrastructure from local government to the NSW Government.

### Coolamon Shire Council

### Emergency Management Reform

That Local Government NSW advocates for, and lobbies the NSW Government for a full review of the way emergency management is conducted in NSW. This review must address the way emergency management is

to be co-ordinated and funded in a sustainable way.

#### **Note from Council**

This year has highlighted the need for effective and responsive emergency management. Our State needs a transparent, sustainable and equitable model that is clear and concise with how it delivers prevention, incident control and recovery.

The State presently has a flawed funding model that is not reflective of the user's needs and as such is unsustainable. The inclusion of a Resilience NSW Commissioner, now has the potential to add more confusing and costly layers in regard to emergency management.

In calling for a complete review of how all aspects of emergency management are handled, the following must be addressed:

- Improved strategy and delivery of emergency service Infrastructure through integration.
- A more equitable and transparent financial funding model.
- Better resource management to ensure a strategic approach to sustainable funding.
- Improved capacity for resilience and recovery planning.
- A more co-ordinated direction toward whole of Government response to emergencies at each stage that allow the appropriate allocation of resources.

#### **Weddin Shire Council**

#### **New Resilience NSW agency**

That Local Government NSW calls on the NSW Government to:

1. Clearly outline the role and funding structure for Resilience NSW, and
2. Confirm that councils will not be required to contribute towards the funding requirements of Resilience NSW.

#### **Note from Council**

It is very concerning that this proposed new department could end up being another bureaucracy with limited financial controls, an unlimited budget with councils having to contribute towards its funding similar to other emergency departments. It is also very important that it be ascertained what the Commissioner of Resilience NSW's role will be and how that role and the new department will interact with the current emergency services department and management. In this regard answers to the following need to be provided:

What will the Commissioner of Resilience's role be and how will that role and the new department interact with the current emergency services department and management? How will this new department be funded? Is there a proposed budget for this new department? While natural disasters do occur they are sporadic. What will this department do in the times when there are no natural disasters? Will they still expect to be funded?

#### **Greater Hume Council**

#### **Introduction of a Fire and Emergency Services Levy**

That Local Government NSW makes a case with NSW Government for the introduction of a broad based property levy to fund the Emergency Services Levy as previously proposed.

#### **Note from Council**

In 2016, the NSW Treasury commenced working closely with local government on the introduction broad property based fire and emergency services levy to be known as the Fire and Emergency Services Levy (FESL). The FESL was to be implemented as at 1 July 2017.

On 30 May 2017, the NSW Government issued a media release advising that the introduction of the FESL would be deferred to ensure that small and medium businesses did not face an unreasonable burden from unintended consequences of the reform.

The media release also stated that the NSW Government:

1. was committed to reducing NSW's high rates of under insurance and to make funding of our fire and emergency services fairer and
2. would work with local government, fire and emergency services, the insurance industry and other stakeholders to find a better and fairer path forward.

As far as Council is aware this matter has not progressed since the May 2017 and under the current circumstances the existing ESL is certainly not fair.

The table below outlines the increase in Council's ESL over the past three financial years.

Year	Invoiced ESL \$	Increase \$	Increase % (year on year)	Increase % (cumulative)
2018/2019	\$412,379	-	-	
2019/2020	\$510,069	\$67,690	23.70%	
<b>2020/2021</b>	<b>\$710,056</b>	<b>\$199,987</b>	<b>39.20%</b>	<b>72.18%</b>
2021/2022	Yet to be advised			

Whilst it is noted that the increase in 2019/20 and 2020/21 ESL contribution has been funded through the Office of Local Government, Council faces a increase in the ESL expected to be greater than \$200,000 in the 2021/22 financial year. This is not sustainable.

Accordingly, Council is firmly of the view that the introduction of a broad property based fire and emergency services levy should be recommenced without delay.

### **Cootamundra-Gundagai Regional Council**

### **Emergency Services Levy**

That Local Government NSW calls on the NSW Government to:

1. Work with NSW councils to redesign the funding mechanism and implement a broad base property tax to replace the Emergency Services Levy on both local government and insurance policies.
2. Until such time as such a mechanism is introduced any proposed increases to the Emergency Services Levy shall be limited to the annual rate peg percentage increase to local government. Further, any increase greater than the rate peg percentage increase be paid by the NSW Government.

### **Weddin Shire Council**

### **Emergency Services Levy**

That Local Government NSW calls on the NSW Government to:

1. Limit yearly increases in the Emergency Services Levy to sustainable levels, and
2. Scrutinise the expenditure of the Rural Fire Service, State Emergency Services and Fire and Rescue NSW to ensure any costs passed onto councils are sustainable and justified.

### **Note from Council**

Council's proposed contribution for 2020/21 is approximately \$363k with an increase of \$102,217. Given the rate peg of 2.6% will give Council an additional \$74k in 2020/21, we are behind \$28k on one expenditure item in our budget for next financial year. In two years our contribution has increased from approximately \$211k to \$363k, which is clearly not sustainable in the short or long term. Fortunately, the NSW Government will fund the increase this financial year (2020/21) however it is really going to have a major effect on Council's financial resources next financial year 2021/22. It is understood that the rate peg may be increased to cover the additional cost but this is just another unfunded mandate being passed on to councils and ratepayers in these very difficult times. The big issue here is that there doesn't seem to be any accountability and financial control of the emergency services departments, particularly the RFS. The proposed increases are not sustainable for councils and there needs to be measures put in place to limit the yearly increases and scrutinize the expenditure of the RFS, SES, F&R and in particular the RFS. This issue also needs to be pursued by the Central NSW JO and other JO's in the state. While Council is very appreciative of the work undertaken by the emergency services departments it is becoming very clear that we need to urgently find a solution to the manner in which these services are funded in the future to ensure councils are able to remain financially sustainable.

### **Kempsey Shire Council**

### **Review of the Fire and Emergency Services Levy**

That Local Government NSW seeks a review of the Fire and Emergency Services Levy due to the disproportionate impact on local government to reduce the impost on local government and local communities with a view to establishing a fairer system in consultation with local councils and Local Government NSW.

### **Note from Council**

The amount local government pays for the FESL has increased by exorbitant amounts in the last two financial years.

There are four key issues:

1. The quantity of the levy overall and its impact on councils' budgets.
2. The exorbitant increases over the last two years.
3. The varying methodology used to calculate the levy by each different agency.
4. The method of calculation of the RFS levy entrenches disproportionate and disadvantageous impacts.

This motion seeks a review to reduce the impost on local government and local communities and establish a fairer system in consultation with local councils and LGNSW.

That Local Government NSW advocates to the NSW Government regarding the disproportionate effect of the Fire and Emergency Services Levy on regional councils, and seeks an urgent review to reduce the impost on local communities to establish a fairer and more equitable system.

**Note from Council**

The amount local government pays for the ESL has increased by exorbitant amounts in the last 2 financial years with the increases in the RFS costs being the primary driver. In addition to the direct financial impost of the increases, there is a consequential indirect impact on the rate increase (or peg) amount allowed by IPART.

IPART considers what proportion of the overall local government budgets the ESL represents and if that proportion is increasing or not but does so in a state-wide amalgamated way. As the RFS is the largest service and rural based, there is a disproportionate impact on rural councils of the ESL and allowable rate peg though IPART.

By way of explanation, The impact of the ESL on Bellingen Shire Council is outlined below as the basis for seeking support from LGNSW for united advocacy to gain a fairer system of emergency services funding.

Bellingen Shire Council received an ESL for 2020/21 that represented an increase of just over 38% on the previous year which in turn had seen an increase over 23% on the year before that. In summary the increases were:

- 2018/19 Levy - \$387,516
- 2019/20 Levy - \$477,612 (23.2% increase)
- 2020/21 Levy - \$661,295 (38.45% increase)

The increase outlined in a table of increases to Bellingen Shire Council's contributions for 2020/21 was \$183,683. It is noted that the ESL at the invoiced amount represents 8% of Bellingen Council's entire general rate base which is needed to fund all services (except water and sewer). In addition, to fund the ESL increase would require 2.1% increase in rates. The increase required in rate income to offset the two year increase 3.3%

Given all councils have been constrained to a 2.6% increase in rates to fund all increases in NSW Government and other fees and charges, costs of goods and services plus staff state award increases, plus inflation, the impost of the ESL is significant and at 38.45% is difficult to justify and clearly unfair.

Of particular concern is the increase in the RFS costs of 42.75% which is more than 15 times the amount local government is allowed to increase its rates. Given the substantial windfall the RFS gained from public donations, it is difficult to understand what justification there could be for the increase currently imposed.

The increases for the State Emergency Services at just over 24% is over 9 times and NSW Fire and Rescue at over 11% is approximately 4.5 times the rate peg and so are all well in excess of the amount NSW Government will allow local government to generally increase its rates.

This motion to conference seeks support and advocacy from LGNSW regarding the disproportionate effect of the ESL on regional councils, and a review to reduce the impost and establish a fairer and more equitable system.

**Carrathool Shire Council****RFS Emergency Services Levy**

That Local Government NSW continues to lobby the NSW Government to reduce and curtail the excessive increases in the bush fire levy that are impacting on the capacity of council to fund. The levy increases are out of all proportion with NSW Government constraints on councils ability to raise rate income and should only be increased in line with rate peg percentage increases.

**Note from Council**

Council's levy has increased 300% over the past seven years. The increase from the previous financial year to this financial year is 43%. The amount due to the RFS levy \$303,108 for the 2020/21 financial year is 8% of council ordinary rate income.

Council cannot continue to sustain this type of increase without severe impacts on the level of service provided to the community.

## **Fairfield City Council**

## **Cost shifting of Emergency Services Levy to local government**

That Local Government NSW lobbies the NSW Government to introduce a fairer and more transparent broad based property levy to landowners to cease cost shifting to the Emergency Services Levy to local government.

### **Note from Council**

The ESL contribution by NSW councils to Revenue NSW for the 2020/21 financial year increased by 25% to fund the extension of workers compensation coverage to firefighters diagnosed with one of 12 specific work related cancers. To help in maintaining the delivery of community services, the NSW Government has funded the \$32.76 million increase in the ESL for all NSW councils for the 2020/21 financial year.

Council supports the NSW Government's initiative to ensure both volunteer and paid firefighters receive suitable care and support for the critical work they perform. However, Council does not have the financial capacity to absorb large cost increases because its primary source of revenue, land rates, is capped. Therefore, the NSW Government's funding assistance for the 2020/21 financial year has only deferred the 25% increase in the ESL for one year without addressing the long-term issue of large cost increases being shifted to local government.

Council has no means of recovering the cost increase so will be left with no alternative but to review community services.

## **8 Bega Valley Shire Council**

## **NSW Bushfire Inquiry endorsement**

That Local Government NSW endorses the NSW Government's Bushfire Inquiry Report and urges Resilience NSW to proceed with implementation of the Inquiry's recommendations as a matter of urgency.

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

### **Note from Council**

The NSW Government released the Bushfire Inquiry Report, containing 76 recommendations, on 25 August 2020. In the response there has been a focus on hazard reduction and firefighting infrastructure and equipment.

## **Snowy Valleys Council**

## **NSW Bushfire Inquiry**

That Local Government NSW lobbies the NSW Government to ensure that local government is appropriately funded and well placed to implement prevention, response and recovery initiatives resulting from the recommendations of the Royal Commission into Natural Disaster Arrangements and the NSW Bushfire Inquiry.

### **Note from Council**

Council's current role is to provide a facility and administrative support to agencies in a disaster event. We all know councils do a lot more during these times to support their community and the lead and support agencies in mitigation, preparation, response and recovery.

Councils need resources to be able to respond and improve processes to support our local communities and better meet their heightened expectations following what is now aprecedented event.

## **Snowy Valleys Council**

## **Local and State Government bushfire management of Crown Lands**

That Local Government NSW lobbies the NSW Government to partner with councils and commit funding to better plan for bushfire management of Crown Lands, with a particular emphasis on the control of vegetation and weeds (in accordance with the Biosecurity Act 2015) to help mitigate the bushfire risk to community.

### **Note from Council**

There are insufficient funds to manage Crown Lands to mitigate and reduce the impact during fires. Vegetation management, asset protection zones, bushfire protection zones first need to be determined for each piece of crown land by expertise in RFS and then funded for appropriate action.

## **9 Tenterfield Shire Council**

## **Cultural burning to facilitate fire management**

That Local Government NSW calls upon the NSW Government to support cultural burning on Crown Lands, National Parks and State Forest held lands in every State of Australia, and the training and employment of indigenous people to carry out this important task.

### **Note from Council**

As we look back at the horrific bushfire season in 2019/20, it is painfully obvious that we need to manage our country better.

We use the language of war when we speak about fire: We are “attacked” by fire; we have fire “fighters”; we use big trucks and “bomb” fire from the sky with airplanes.

But if you are cool burning, you should be able to stand next to the flame, it should be low enough to enable you to step over it. That’s not being a firefighter, that’s working with fire. The reoccurring theme here is the necessity, and strong partnership between Aboriginal communities and agencies grounded in trust, to navigate the sensitivities of cultural burning.

We are talking about fire here, but it is really about social justice; getting Aboriginal people in employment; employment on country; researching and skilling up people to do prescribed and cultural burning in line with family aspirations; and to have a conversation “about country, on country” to help shift the thinking towards new ways of approaching fire management.

### **10 Shoalhaven City Council**

### **Coast and estuary grants funding**

That Local Government NSW lobbies the NSW Government to release the additional unallocated funding from the Coastal and Estuary Grants Program to flood affected local government areas.

### **Note from Council**

A funding package of \$83.6 million was announced as being available as part of the implementation of coastal reforms in 2016/17 to be delivered through the NSW Coastal and Estuary Grants Program each year. However, due to the eligibility criteria for the grants, little of the \$83.6 million has been released to coastal councils to implement coastal projects.

Although the eligibility criteria and council matching funding requirements have been eased slightly for this year’s funding round, it is extremely difficult for councils to meet the eligibility criteria due to the works needing to be identified in certified coastal zone management plans or coastal management programs, the matching funds required and other restrictions or requirements for each stream. There are very few coastal councils that have certified plans or programs for all the estuaries and coastline that they manage.

The planning process to obtain a certified plan is very lengthy and costly. Many projects also require a positive cost benefit analysis (CBA) prior to any State funds being provided. It is also very difficult to predict and plan for all scenarios, future needs and possible outcomes or impacts from east coast lows (ECL) and other storms to make sure the right detailed actions are in a certified plan for each beach, estuary or locality to ensure that council would then be eligible for funding under the grants program for its communities.

In 2016, and again in recent weeks, we have seen areas impacted that were considered low risk. Councils carry out a risk and vulnerability assessment as part of the CZMP and CMP process, but it is difficult to capture everything and if it is not in the council’s certified plan the action is not always eligible for funding.

Also, most of coastal infrastructure is not covered by the national disaster recovery funding unless it’s a critical asset like a flood levee or a bridge. Insurance is difficult for smaller assets like bush walks, viewing platforms, fishing platforms, boardwalks, beach accessways and other coastal infrastructure.

The additional funding would provide welcome relief as councils have limited funding and resources and are subject to pressure to develop coastal management programs, repair infrastructure following storm events and also deliver new and improved infrastructure.

The eligibility criteria for the NSW Coastal and Estuary Grants Program should be further reviewed to fast track the establishment of certified CMPs, to allow funding to be released to implement actions to protect and manage our coast to address erosion and environmental protection; and be released to

fund clean-up of flood debris and carry out repairs or replacement of infrastructure following flood, ECL and storm events.

### **11 The Hills Shire Council** **Review of the 10/50 Vegetation Clearing Scheme**

That Local Government NSW lobbies the NSW Government to review the 10/50 Vegetation Clearing Scheme to ensure landowners in high-risk areas are able to take steps to prepare themselves for bushfire events.

#### **Note from Council**

The 2019/20 bushfires are still fresh in the minds of many Australians, and were the focus of most submissions to Royal Commission into National Natural Disaster Arrangements.

The interim observations of the Commission indicate, as the 2019/20 bushfire season demonstrated, bushfire behaviour has become more extreme and less predictable. Catastrophic fire conditions may become more common, rendering traditional bushfire prediction models and firefighting techniques less effective.

The extent of the damage and harm caused by natural disasters depends on a wide range of factors including how private land is managed. All Australians, and particularly those in high-risk areas, must be allowed prepare themselves and their families for natural disasters.

### **12 Tenterfield Shire Council** **Funding increase to drought proof Australia**

That Local Government NSW advocates for the State and Federal Governments to increase funding for pasture research to assist in drought proofing Australia.

#### **Note from Council**

Given the huge economic and social impacts of the current long running drought, and its effects on huge areas of Australia, funding for research into the use of Australian native species for use as pasture plants.

Mr Mack Rees BAg, MAgSc, PhD worked with CSIRO's Division of Tropical Crops & Pastures from 1965 to 1990. During this time, as a pasture agronomist, he found that some Australian native plant species have great potential as pasture species. When he left CSIRO in 1990 it was his recommendation that full scale research be conducted in Australian native species for drought tolerate, productive plants. These plants have evolved for thousands of years in difficult climate conditions and Australia should be looking to benefit from this. The ephemeral species of the Australian desert showed incredible resilience against drought, heat and cold, great range of temperature, and the ability to establish quickly after rain – a key requirement of a desert plant. With climate change, these characteristics are becoming more important.

### **13 Warren Shire Council** **Equality of drought and COVID-19 pandemic support**

That Local Government NSW petitions the Federal Government to ensure equality of financial support for drought impacted individuals, families, producers and service providers on the same basis as that being provided to employees, families, the unemployed and business during the Covid-19 pandemic and that the government:

1. Immediately address the inequity that exists between the drought response and that to the COVID-19 crisis.
2. Develop strategies for future droughts that reflect the importance of the regions and that values them accordingly.
3. Focus on primary criteria and actions that relate to loss of income and protecting people in drought when they are most vulnerable.
4. Safeguard and protect our human resources and vital Australian food and fibre production capacity and its security.

#### **Note from Council**

Warren Shire Council is supportive of the Federal and State Governments rapid response to the COVID-19 pandemic in attempting to minimise the economic fallout occurring as a result of measures

put in place to slow the spread of the virus. This support may well prevent millions of people from losing their jobs. Similarly, many if not all rural families and rural businesses have and continue to be impacted by drought.

We request the Federal Government implement a payment scheme during drought periods that allows rural families and rural businesses to meet their day to day needs in a similar manner to that which is occurring during this COVID-19 response.

This will ensure social equity and provide support to families during drought periods.

#### **14 Shoalhaven City Council**

#### **Asset Protection Zones**

That Local Government NSW requests the NSW Government to carry out the following actions to local government areas in NSW with respect to Asset Protection Zones (APZ):

1. To exempt hazard reduction burns and the construction of asset protection zones, required as a result of a duly adopted standard, from the provisions of the EPCB Act and the NSW Environmental Legislation, internal Government Agency Policies, or any other limitations within other Acts or Regulations which restrict any authorised authority from constructing and maintaining APZs or undertaking hazard reduction burns.
2. Adopt as a general policy that Urban settlements requiring the provision of an APZ at the interface with natural areas, such APZ be at least 200m and to have such APZs managed as Park Lands.
3. To either repeal or create an easement over any section of a National Park where part of the Park falls within a 200m APZ and vest the management of that land in the local council.
4. To enact Legislation to require a private land holder (including Aboriginal Land) to create and maintain a parkland like cleared area of generally 200m to act as an APZ between the subject land and the interface with any urban development requiring the provision of an APZ, where a property owner fails to comply with this requirement an authorised authority may carry out the work and charge the land holder for the works, with the exception of Aboriginal Land where the clearing will remain a cost on the authority.
5. To require any Government Authority who manages forested areas to properly maintain and improve the construction of fire trails, this is to include the removal of any obstructions other than locked gates.
6. To consider the construction of strategic fire breaks through forested areas including National Parks of a similar width to a major electricity easement.

#### **Note from Council**

In light of the devastating bushfires that ravaged a significant proportion of NSW over the summer period, action is required to be taken by the NSW Government to reconsider and amend policy around APZ. This motion sets out to achieve greater protection of our urban and built environments against future bushfire destruction.

The NSW Government must work together with local and Commonwealth entities to protect our communities as much as possible from fire events like those witnessed in NSW in the Summer of 2019/20. The loss of life and the destruction of property deserves the highest level of response to provide the protection we all deserve. The almost total elimination of entire species from our National Parks is a tragedy.

This motion proposes practical and proven management policies relating to APZs which could reduce the loss of life, property, and native fauna across NSW.

#### **15 Wollondilly Shire Council**

#### **Service Award for Individual First Responders**

That Local Government NSW advocates for the establishment of a Local Government Service Award for Individual First Responders in the form of a medal or ribbon to be worn on their uniform recognising their conduct or action to protect their community. There is currently no appropriate acknowledgement of first responders at a local government level.

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

**Note from Council**

At the Ordinary meeting of Council held on 18 August 2020 it was unanimously resolved that Council advocate for the establishment of a Local Government Service Award for Individual First Responders.

Guidelines and protocols would need to be developed at a state-wide local government level (either through the Minister for Local Government or Premiers Department) for the award through the honours system and each council would decide who is to receive the award and present it to the recipient(s) from their community.

**Blacktown City Council****First responders medal**

That Local Government NSW consults relevant Ministers and authorities as appropriate to create a local government medal to be awarded by a local council to Rural Fire Service and State Emergency Services volunteers and first responders, to recognise their service, their sacrifice and their contribution to NSW during natural disasters and other emergencies.

**Note from Council**

Whilst we are all aware that history will show 2020 as the year of the COVID-19 pandemic, the year commenced with many horrendous bushfires. The fire season started early, with drought affecting 95% of the state. Between July 2019 and February 2020, the NSW RFS reported that 11,264 bush or grass fires burnt 5.4 million hectares, and destroyed 2,439 homes. Tragically, 25 lives were lost in NSW. There followed, in many cases in the same areas, a huge rain event which created further wide scale damage through floods.

In all of these natural disaster situations the first responders are volunteers from town and suburb-based RFS brigades and SES. These volunteers are normally the first people to arrive and meet the emergency situation head on, without consideration of the dangers that they face. We call on the NSW Government to establish formal recognition for the courage and contribution of emergency volunteers, for without their dedication the loss of property and life would be far greater in bushfires, floods and other natural disasters.

## Local government elections

### **16 Georges River Council**                      **Protecting democracy at the 2021 local government elections**

That Local Government NSW:

- (a) Calls for the NSW Government to protect local democracy by ensuring councils and communities retain choice in their method of voting to encourage more people to participate in the electoral process.
- (b) Calls for the NSW Government to ensure local government elections are conducted in a manner as similar as possible to State elections to make democratic participation simple for voters and support voter turnout.
- (c) Opposes the introduction of universal postal voting which risks disenfranchising voters through discouraging voter participation and diminishing the status of local government.
- (d) Calls for the NSW Government to fund any increase in the costs of local government elections beyond the rate peg imposed on councils.

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

#### **Note from Board**

Parts (b) and (c) of this motion directly conflict with the following motion 17 from Kempsey. Therefore, if carried, this motion would negate motion 17 (i.e. it would not be debated).

#### **Note from Council**

There has been suggestions that the 2021 local government elections may be moved to an entirely postal vote exercise. All elections should be democratic in principle so elections should be approachable and accessible to all people in the community. The suggestion that the local government elections should be conducted exclusively by postal vote should be rejected. Postal voting would still be available as an option. There may be some requirements to ensure the safety of voters in light of the current COVID-19 pandemic at the upcoming election, however the extra cost in placing these health controls in place should be borne by the NSW Government and not by councils.

If the Motion is adopted, LGNSW should contact the Premier and relevant Ministers to ensure the September 2021 council elections are conducted in the same manner as all other elections and not only by postal vote. Further that any additional cost in conducting the elections allowing for potential health regulations that may be in place at that time, be accepted by the NSW Government.

### **Broken Hill City Council**    **Universal postal voting for local government elections**

That Local Government NSW strongly oppose the introduction of universal postal voting for future NSW local government elections.

#### **Note from Council**

The Berejiklian government is considering universal postal voting for the next council polls, which have been postponed by 12 months and are now likely to be held on 4 September 2021. This is a cost cutting exercise by the government and introducing universal postal voting may risk disenfranchising communities from voting in NSW local government elections.

The introduction of universal postal voting for future NSW local government elections will have an impact on local communities as it imposes a one-size-fits-all model on different LGAs. Holding elections entirely by postal vote would risk skewing the outcome in favour of an older demographic, because younger people are less likely to cast a ballot despite facing a \$55 fine if they fail to do so.

### **Lithgow City Council**    **Universal postal voting**

That Local Government NSW writes to the NSW Minister for Local Government expressing strong opposition to the concept of universal postal voting for NSW local government elections.

#### **Note from Council**

It was reported in the media in June 2020 that the Berejiklian government is considering universal postal voting for the next local government elections likely to be held on 4 September 2021.

LGNSW should strongly oppose mandatory postal voting. It would have the effect of disconnecting communities from the traditional election day voting experience which is common to state, federal and council elections. It would also have the effect of disenfranchising some voters and would undermine the principle of compulsory voting which is a keystone of Australia's democracy. Local government is as important to our democracy as the other levels of government - why should it be treated as a poor relation?

Not only is this suggestion a "blow to democracy" it is also a big hit to local schools' hip pockets. Many schools take advantage of the social and community interaction that occurs on election day by hosting sausage sizzles and cake stalls. This in turn provides an economic boost to much-needed community projects and initiatives that benefit school children.

### **17 Kempsey Shire Council COVID-19 action utilising universal postal voting**

That Local Government NSW advocates to the NSW Government to permit the usage of universal postal voting for local government elections by the State Electoral Commission and councils, if the safety of electors is at risk due to the possible ongoing COVID-19 pandemic.

#### **Note from Board**

If motion 16 from Georges River is carried, it would negate this motion (i.e. it would not be debated). See Note from Board under motion 16.

#### **Note from Council**

Protecting our local democracy was negated by the unilateral decision of the NSW Government to extend the four-year term of Councillors by another year. Local community participation in this decision was nil. Councillors were not asked. The decision was imposed. Community members compact and understanding at the 2016/17 elections were that they were electing local representatives for a fixed term of four years.

There is no surety that the pandemic will be concluded during 2021 to enable "normal elections" and therefore LGNSW needs to enable local democracy by supporting universal postal voting as soon as possible for council elections. Other jurisdictions in Australia have successfully used universal postal voting for local government elections.

### **18 Georges River Council Electronic signatures on Electoral Commission documents**

That Local Government NSW lobbies the NSW Electoral Commission and the NSW Government to:

- (a) improve compliance outcomes and ensure accessibility for all members of the community, all existing processes (including forms) for candidates and public office holders be reviewed to ensure that they are simple and easy to understand
- (b) reduce the administrative burden on citizens seeking to be involved in Local Government by amending all relevant legislation and regulations to permit electoral documents, including periodic disclosures, to be signed and lodged electronically.

#### **Note from Council**

The process of lodging documents and the paperwork that needs to be completed to both participate as an elected official but also maintain that status by completing six monthly and annual returns is restrictive and cumbersome. The current system of printing out, signing in an ink pen, scanning the document, and then sending it off to the responsible authority is out of date.

The NSW Government efforts of cutting red tape and making it easier for public office holders to comply with their responsibilities does not seem to extend to the completion of mandated forms. Electronic submissions with electronic signatures will enhance the process and make it easier for public officers and community members to become involved in the democratic process. Additionally the acceptance of electronic signatures is now widely accepted.

If adopted, the Motion seeks to have LGNSW lobby the NSW Government and the NSW Electoral Commission to improve their processes and allow, as much as possible, the electronic submission of forms with electronic signatures. This will help to lower the barriers of participation and align processes with modern technology.

## **19 Wingecarribee Shire Council**

## **Removal of preference voting**

That Local Government NSW calls on the NSW Government to amend local government electoral legislation, so that councillors are elected on a first past the post basis to remove preference deals.

### **Note from Council**

First past the post is the fairest and most open form of voting and represents the community's voting patterns to see that the candidates with the highest number of votes are elected instead of candidates being elected with very few votes but receiving the votes of eliminated candidates.

## **20 Narrandera Shire Council**

## **NSW electorate districts redistribution process**

That Local Government NSW lobbies the NSW Government to undertake a formal review of the redistribution process in NSW, seeking to ensure that regional/rural areas west of the Great Dividing Range are represented adequately into the future.

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

### **Note from Council**

NSW is divided into 93 State electoral districts. The number of enrolled voters in each district must remain within the allowed margins to ensure each vote carries approximately equal weight (Hawker, Britton, 2004). There are a number of circumstances under which redistribution is required. The existing electoral boundaries have been in place for the last two state elections and according to section 27 (1) (c) of the Constitution Act, this means a redistribution must be carried out prior to the next State Election (NSW Constitution Act 1902).

The current trend of reducing the number of regional/rural electorates is alarming. The Electoral Commission state that in deciding where the boundaries should be drawn, many factors are taken into consideration. These include:

- demographic trends
- community interests including economic, social and regional interests
- means of communication and travel
- physical features and area
- mountains and other natural boundaries
- boundaries of existing districts (NSW Electoral Commission, 2020)

As regional/rural electorates get larger, it is becoming more difficult to fulfill these ideals.

There are political impacts on redistribution and political parties will seek advantage in their redistribution preferences and suggestions to the electoral commission.

Currently the top 4 electorates in relation to size are Barwon 356,292 km<sup>2</sup>, Murray 107,362 km<sup>2</sup>, Northern Tablelands 53,153 km<sup>2</sup> and Cootamundra 34,711 km<sup>2</sup>, the smallest is Newtown at just 10.3 km<sup>2</sup> (Montoya, D, 2018). How are sitting members expected to give fair and equitable representation to their constituents when electorates are the size of small European countries? Formerly, the area of the current electorate of Barwon contained 6 electorates in 1904. The current area of Murray contained 2, Albury contained 2, and Cootamundra 5.

On average, one electorate has evaporated from the non-metropolitan area and condensed into the metropolitan area every 5 years. If this long-term trend continues, in forty years' time, there will be only one electorate west of the Great Dividing Range (Landini, 2019).

## **Leeton Shire Council**

## **Review of NSW electoral district boundaries**

That Local Government NSW advocates for rural and regional state electoral districts to more accurately reflect local government area 'communities of interest' and for larger districts to be reduced in area.

### **Note from Council**

Leeton Shire Council is of the opinion that councils should be situated in the same electoral district as their 'community of interest' if they are to be appropriately represented. Leeton Shire Council also has concerns

about the growing geographic size of some electorates such as the current Murray district because travelling distances across the district pose work health and safety risks to the sitting Member and limit their ability to adequately service communities in the district.

At its meeting of 24 June 2020, Leeton Shire Council resolved that a submission expressing these views would be made to the electoral districts review panel. The submission was subsequently made on 29 June 2020, reference number NSW200629/18.

It is Leeton Shire Council's view that a number of councils across NSW will have similar concerns.

## Waste and recycling

### **21 City of Canterbury-Bankstown**

### **Improving recycling systems in NSW**

That Local Government NSW advocates to the NSW Government to increase the proportion of the waste levy reinvested in recycling and waste management.

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

#### **Note from Council**

The decision by the Federal Government to ban the export of certain waste materials overseas has had a cascade effect on the local government sector. While the ban attempts to drive domestic recycling of value-added products, it neglects to address the investment required to effectively transition to a circular economy.

Costs to councils in recycling materials collected at the kerbside are growing, an issue further emphasised during the COVID-19 pandemic. The lack of NSW Government investment in remanufacturing and reprocessing facilities further expounds the issues experienced by councils across the state. While the NSW Government collects approximately \$800 million annually through its waste levy, less than 20% is reinvested into recycling and waste management.

More is needed from the NSW Government by way of investment into this crucial area to assist the local government sector in transitioning to a circular economy.

### **City of Canterbury-Bankstown**

### **Permanent Fund to Address Illegal Dumping**

That Local Government NSW make representations to the NSW Government requesting a permanent and secure funding stream, to be funded from the Waste Levy, for councils to address the growing issue of illegal dumping through ongoing targeted programs of deterrence, enforcement and clean up.

#### **Note from Council**

Illegal dumping is an ongoing and increasing waste issue. Each year, councils across NSW invest millions of dollars in managing the issue. The NSW EPA recorded a 34% increase in illegal dumping from April 2020 compared to April 2019 with many councils across NSW experiencing substantial increases. The issue has cost Canterbury-Bankstown Council upwards of \$1.3 million over the last financial year.

Council's response to this growing issue via its Eyes On It anti-dumping campaign, has so far identified, mapped, taped and removed over 7,000 illegal dumps over sixteen weeks. This has demonstrated the potential to make real and lasting change in attitudes toward illegal dumping. The data gathered through this campaign show that well-targeted and high-profile interventions are effective in reducing illegal dumping, encouraging perpetrators to take responsibility for their actions and in reducing the negative impacts of dumping.

The campaign also showed that ongoing success depends upon repetition across the whole LGA and particularly in dumping hot spots. Establishing a permanent funding stream, funded by the Waste Levy, will finally enable councils, including Canterbury-Bankstown, to properly resource programs, such as the Eyes On It, aimed at stopping this ever growing problem.

### **Blacktown City Council**

### **Resourcing for the NSW Circular Economy Policy**

That Local Government NSW calls on the NSW Government to urgently develop and implement an action plan and funding strategy to support the implementation of its NSW Circular Economy Policy.

#### **Note from Council**

When it adopted the NSW Circular Economy Policy Statement Too Good to Waste in February 2019, the NSW Government identified the next steps as:

- embedding circular economy consideration in NSW Government decision making
- incorporating circular economy principles in NSW Government policies and strategies
- planning the transition to a circular economy.

It also identified that the planning phase will include setting specific actions, timing and directions to transition towards a circular economy.

To date we have not seen an action plan or funding strategy that will ensure that this policy is turned into action. As we address complex waste and resource recovery issues over the next 5-10 years a circular economy approach will be critical.

### **Bourke Shire Council**

### **Recycling Services**

That Local Government NSW lobbies the NSW Government to consider the allocation of a subsidy to rural and remote councils to assist them in the establishing and maintaining recycling services within their local government areas.

#### **Note from Council**

It is acknowledged that the viability of recycling more generally has been subject to extreme pressure and this pressure increases significantly with the tyranny of distance, low product volume and high transport costs.

Whilst supporting the need to recycle, many rural and remote councils simply do not have the revenue streams to subsidise any shortfall. The recently introduced "Return and earn" has proved a success but needs to be built upon.

Consideration could be given, with the concurrence of metropolitan councils, to the utilisation of part of the Waste Levy currently being collected and seemingly not being allocated to waste reduction initiatives by the NSW Government.

### **Federation Council**

### **Waste to Energy**

That Local Government NSW requests the NSW Government to more urgently progress concrete actions and strategy to enable projects to develop including a strategic pathway towards funding regional waste management solutions also involving Joint Organisations, and the Federal Government.

#### **Note from Council**

There is an urgent need to seek more concrete actions and an overarching strategy to enable projects to develop including giving the private sector investors more confidence.

There is considered to be limited if any real progress since the 2019 LGNSW Annual Conference, to structure up a strategic pathway towards funding regional waste management solutions also involving the Federal Government, and working with Joint Organisations where functional ones exist.

### **Central Coast Council**

### **Waste Levy**

That Local Government NSW calls on the NSW Government to allow councils to retain the full Waste Levy during the current COVID-19 crisis.

#### **Note from Council**

Section 88 of the Protection of the Environment Operations Act 1997 requires certain licensed waste facilities in NSW to pay a monthly contribution for each tonne of waste received at the facilities directly to the NSW Government.

The waste level exemption during the COVID-19 crisis would enable councils to reallocate essential funding towards the delivery of services to their local community.

### **Lismore City Council**

### **Waste Levy reinvestment**

That Local Government NSW lobbies the NSW Government to demonstrate how it has invested in recycling industries and ensure a greater share of the S88 POEO Act 1997 NSW Waste Levy is reinvested back into recycling technologies and;

1. Mandates the reduction in front end waste from food packaging;
2. Provides equitable distribution of waste levy funds back to councils in a non-competitive environment
3. Establishes a policy that ensures that monies collected from one or more councils is not used to subsidise revenue positive investments in other councils
4. Mandates closed loop requirements for food manufacturers to manage waste.

#### **Note from Council**

The Protection of the Environment Operations Act 1997 (POEO Act) requires licensed waste facilities in NSW to pay a contribution to the NSW Government for each tonne of waste received at the facility.

Overall the NSW Government's Waste Less Recycle More initiative allocates \$801 million over 8 years (2013-2021) to waste and recycling, however the waste levy collected over that same period will be over \$4.62 billion.

The NSW Government has released its very comprehensive 20 year waste strategy and associated grants. The grants however are competitive and do not assure that all councils receive the adequate funding in a transparent way to meet the requirements of their communities for innovation and or demand.

Over the past ten years, Lismore City Council has paid more than \$15 million in the waste levy.

### **Cessnock City Council**

### **Waste Levy to fund landfill rehabilitation costs**

That Local Government NSW calls upon the NSW Government to fund local government investigation, evaluation, the formulation of Remedial Action Plans and the remediation of historic orphan waste management sites through funding allocations from the NSW Waste Levy.

#### **Note from Council**

Many LGAs have numerous historic dump sites littered across their respective LGAs that pose a real risk to citizens health and their local environments. The liability to fund the remediation of these sites currently falls on each local council.

It has been said that these sites are a ticking time bomb for the environment, they are also a ticking time bomb for the balance sheets and financial sustainability for local governments. It is only reasonable and fair that Waste Levy funds that are collected in the name of Waste Management by the State, be used to assist local governments to remediate this toxic legacy.

### **Blacktown City Council**

### **Protecting our ratepayers from the impact of the waste export ban**

That Local Government NSW calls on the NSW Government to urgently develop and implement a waste and resource recovery infrastructure plan to minimise the impact of the waste export ban on local government.

#### **Note from Council**

The Australian Government is investing \$190 million in a new Recycling Modernisation Fund. The Fund will finance new infrastructure spending in sorting, processing and reusing plastic, paper, glass and tyres to increase Australia's waste processing capacity ahead of the waste export ban. Funding will be contingent on financial co-contributions from industry and states and territories. It is imperative that the NSW Government works quickly to secure funding and supports industry in developing appropriate infrastructure across NSW, so that local government does not bear the risk and financial impact of the introduction of the waste export ban.

Local government as the collector of domestic recycling needs to advocate to ensure that it is not left to pay for the increase in the costs to reprocess and recycle as a result of the waste export ban and is not unduly impacted by the market change clause which industry is demanding be included in all new processing contracts.

### **22 The Hills Shire Council**

### **Energy from waste**

That Local Government NSW urges the NSW Government to encourage and facilitate private sector investment in Waste to Energy facilities as both a more sustainable alternative to landfill and recognition that the waste stream is too diverse and contaminated to make all but a few products recyclable.

#### **Note from Board**

This motion directly conflicts with the following motion 23 from Randwick, which opposes proposals for waste incineration in urban Sydney. Therefore, if carried, this motion would negate motion 23 (i.e. it would not be debated)

#### **Note from Council**

Each and every week households across Sydney wheel out bins of waste for collection at the kerbside. This waste has a calorific value which should not be ignored and certainly should not be "wasted" and left underutilised in landfill. Kerbside recycling with the level of maturity of current markets isn't making the best use of some of the waste material either. The circular economy whilst well intentioned is perhaps 30-50 years from any level of maturity and impact.

Incineration has come a long way with technology and it isn't the nasty industry it once conjures up in the mind. Incineration is able to derive significant energy out of the waste stream. This is a practical sustainable solution for the next 20-50 years until the circular economy energises and matures.

Dealing with our waste has to be more local. It must be dealt with, without imposing on other countries or geographical areas to deal with the waste we generate. We need to reduce the transportation of waste over long distances. We need investment in a technologically advanced waste to energy plant in Sydney and the NSW Government has a key role to play. The NSW Government can either make it happen or like so many before it, sit on its hands and kick the can down the road.

### **23 Randwick City Council**

### **Proposals for incineration of waste in urban Sydney**

That the Conference opposes partnerships between the waste disposal industry and other industries for cogeneration plants (or “Energy Recovery Plants”) similar to the Matraville proposal between Opal Paper Mill and the waste company Suez Group on the grounds that they are essentially repackaged waste incineration plants. In doing so the association notes that emissions from such plants are a health danger to local communities and an obstacle to achieving the infrastructure and circular economy solutions advocated for under clause 12.1.a) of the Waste and Recycling Position Statement of our adopted Local Government NSW Platform Policy.

#### **Note from Board**

If motion 22 from The Hills Shire is carried, it would negate this motion (i.e. it would not be debated). See Note from Board under motion 22.

#### **Note from Council**

On 26 May this year, Council resolved in response to Mayoral Minute 16/20:

“That Randwick City Council strongly oppose the proposal by the Opal’s (previously Orora) Paper Mill and Suez Group for the construction of an incinerator in Matraville and support local residents and the Matraville Precinct Committee in their campaign against the construction of a waste incinerator via Council’s social media channels, requesting meetings with the relevant ministers and requesting support from neighbouring councils.”

At the same meeting the Council further resolved (moved Cr Matson, seconded Cr Da Rocha) as follows:

“That Randwick City Council:

- a) resolves that incineration of waste within close proximity to residential areas is not supportable;
- b) notes that incineration of waste is viewed as a contentious issue by the general community;
- c) adopts a policy point of non-support for cogeneration projects (i.e. Energy Recovery Plants) involving waste incineration either in the LGA or adjacent to it in order to protect our community; and
- d) makes a public statement to Suez opposing the proposed Botany Cogeneration Plant and advises other NSW councils of the position taken.”

It is appropriate for us to submit a motion to the next LGNSW Conference as both of these resolutions involve working with other Council’s on this issue. The issue is relevant to LGNSW Platform Policy clause 12.1 a) in which the association advocates for:

- 1) The reinvestment of the NSW waste levy collected from the community and industry to:
  - a) Fund regions of councils to develop regional waste plans for the future of waste and resource recovery in their regions, which include infrastructure and circular economy solutions to address the needs of our cities and regions.

## Economic stimulus

### 24 Federation Council

### COVID-19 recovery

That Local Government NSW lobbies the NSW Government to develop a comprehensive COVID-19 recovery package to assist communities and businesses recover from the economic impacts of COVID-19.

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

#### Note from Council

Council is aware that the State and Federal Governments are working hard to deliver a vast array of different support packages to councils/communities and businesses. However it is considered this is all a bit piecemeal, and needs to be encompassed into an overarching COVID-19 Recovery Package.

This should be developed by councils, and the State and Federal Government working together, ideally for those rural/regional councils in well functioning JOs, this would work through the JOs, and bodies such as the Southern Cross Border Recovery Commission and Cross Border Commissioner for border issues. For non border closure COVID-19 issues, councils including metro councils, could still all work together more effectively with the state and federal government, to drive real, strategic and sustainable benefits across the state.

### Federation Council

### COVID-19 costs

That Local Government NSW lobbies the NSW Government to develop, in consultation with Local Government NSW, a reimbursement package for councils who are incurring additional costs as a result of COVID-19 risk measures, including assistance to NSW Police for Border Closures.

#### Note from Council

Councils have had to incur significant additional costs to manage the risks associated with COVID-19. Councils also on the Victorian Border, have all in varying ways contributed towards infrastructure required to install the border crossing checkpoints.

Council understands that every level of Government is contributing significantly towards managing COVID-19. However Council considers actual/real external costs, excluding staff wages, such as equipment hire and purchase and materials purchases, incurred by councils in assisting actual State Government responsibilities, such as Border Closures, and implementing Public Health measures, should be reimbursed to Council.

### 25 Liverpool City Council

### Covid-19 impacts and Fit for the Future guidelines

That the LGNSW Conference:

- i. Notes the collapse in revenues and seek a rates guarantee to ensure financial liquidity, financial assistance to maintain existing employment levels and explicit inclusion of local government in any future stimulus packages;
- ii. Support Local Government NSW's campaign to suspend Fit for the Future (FFF) guidelines given current circumstances, including writing to the Minister for Local Government as appropriate; and
- iii. Note that councils believe FFF targets and benchmarks are now outdated and should be abandoned as councils will be increasingly unable to meet targets and benchmarks during the pandemic.

#### Note from Council

Councils have experienced a collapse in revenues and seeks a rates guarantee to ensure financial liquidity, financial assistance to maintain existing employment levels and explicit inclusion of local government in any future stimulus packages.

Council believes FFF targets and benchmarks are now outdated and should be abandoned as councils will be increasingly unable to meet targets and benchmarks during the pandemic.

**26 Blue Mountains City Council****Active Transport Infrastructure**

1. That Local Government NSW advocates to the State and Federal Governments to create clear and dedicated funding programs to support the building of active transport infrastructure, such as footpaths and shared paths/cycleways;
2. That these programs should be considered as part of the economic stimulus packages that are critical in keeping the economy going in response to the COVID-19 pandemic as well as the impacts of the Black Summer bushfires; and
3. That this program provides full grant funding rather than 50/50 shared cost arrangements, to enable councils to deliver on their Pedestrian Access and Mobility Plans.

**Note from Council**

Community surveys reveal that footpaths and shared cycleways are a high priority for local communities, demonstrating that people are listening to the public health messages on the benefits of walking and cycling to get fit and stay healthy.

In addition, footpaths with kerb ramps are critical physical infrastructure for people with limited mobility or for those who use wheelchairs to enable people to move easily around the community.

Footpaths and cycleways enable more environmentally friendly and COVID-19 safe options of transport to get to the shops, schools, transport hubs such as train stations and bus stops, but these types of infrastructure are often missing.

All councils in NSW are required to prepare Pedestrian Access and Mobility Plans and Bike Plans, where investments in footpath and cycleways programs represent shovel-ready projects. These projects are vital for economic stimulus packages that need to be delivered quickly to create jobs and deliver critical and lasting community assets.

A key starting point for investment in the infrastructure is investing in footpaths and shared cycleways within a two kilometre radius of train stations, shops and schools.

**27 Goldenfields Water County Council****Water County Council grant funding**

That Local Government NSW advocates on behalf of Water County Councils to be included in, and receive an equitable share of grant funding provided by Federal and NSW Governments.

**Note from Council**

Currently, general purpose (GP) councils in NSW receive grant funding from both Federal and State sources, through the annual Financial Assistance Grant (FAG) which is a major source of income for many of those GP councils. This funding assistance is utilised by many of the GP councils as supplementary income from rates and other fees and charges imposed by council. Over the past two years, both State and Federal Governments have dispersed significant amounts of grant funding through various drought and hardship schemes to GP councils; however, County Councils have been excluded from this funding.

Water County Councils, such as Goldenfields Water are managed by a Board made up of delegates from constituent GP councils to provide water infrastructure for those LGAs within the footprint of the County Council. Despite the obvious local government link, the County Council is seen by many to be a 'separate business identity' and is therefore treated as if it were a commercial business listed on the Stock Exchange. For this reason, County Councils appear to have been excluded from accessing any regular funding assistance which is currently enjoyed by GP councils.

Water County Councils only real income source comes from the sale of water to customers and the fees and charges applied to infrastructure and development which occurs within the GP councils. This income stream is not a bottomless pit, particularly in rural communities where the price and availability of water is crucial to the sustainability of communities. The supply of water requires money to construct and maintain infrastructure and this often puts the Water County Council at logger heads with constituent councils who are trying to attract industry and development to their communities and wish to offer the developer as much incentive as possible to invest in their

community and who see Water Infrastructure charges imposed by the Water County Council as an impost to development.

There is currently no acknowledgement or understanding that the costs of supplying the water infrastructure is in some way being subsidised by Goldenfields Water to help facilitate growth and this is being undertaken without any funding assistance by State or Federal governments. This lack of acknowledgement or understanding places the Water County Council in an untenable situation as the development charge must at the very least, equal the amount of infrastructure being provided by the Water County Council.

Similarly, income from water sales alone cannot sustain infrastructure growth in a majority of rural NSW and Water County Councils must always be mindful of the price for this life sustaining commodity being paid by its customers. The simple fact is that the County Council is restricted by community expectations and simple decency not to continually increase water charges to meet increased infrastructure costs, the same way GP councils are restricted in providing their continued services. However, the difference is that County Council's have no mechanism for funding that allows for the facilitation of growth or increased levels of service for its customers. Further to this, Goldenfields Water CC services an area of around 23,000 km<sup>2</sup>, over 2300km of pressurised water pipelines, 40 pump stations and 140 reservoirs with only 11,000 connections to generate revenue from. In order to manage such a critical service for regional NSW, it is very difficult for Goldenfields to provide an adequate balance of cost for its constituent councils and associated customers and maintain an appropriate level of service. In recent years, Goldenfields has been reliant on income of interest returns from its reserved funds to help contribute to the ongoing operations of the organisation. This is no longer a sustainable method of operations due to the current economic climate and Ideally County Councils should be considered for funding support to help increase required levels of service and to facilitate to the expedited delivery of much needed renewals of aging infrastructure, similar to the provisions that GP councils are entitled to.

Clearly, regular FAG type funding to Water County Councils would provide a means for the Council to supplement charges and deliver water infrastructure at a sustainable rate, without the impost on current customers and it would offer rural NSW much needed water security in the short term. In addition to this, there has been a significant push recently to remove the ability of utilities to impose the provision of developer charges for the provision of infrastructure. Any subsidisation or removal of these necessary cost recovered charges should be subsidised by the State if this was to be considered.

Finally, the recent Federal and State Drought funding packages need to be discussed in light of the lack of forethought as to the appropriateness of the spending of those grants. It is acknowledged that all rural communities who received the funding have spent the money wisely and on worthwhile community projects, yet any project which might relate to water infrastructure was not eligible for funding under the grant criteria. For example, A GP Council, in conjunction with a Water County Council identified a need for the installation of a 'quick flow' water standpipe to be installed. The rationale being that the farming community had limited access to water, with the nearest standpipe being many kilometers from the community and access was restricted so that it took hours to travel and additional time to fill a truck. The new 'quick flow' system was costed and the GP Council agreed to fund the project from a portion of drought funding it had received. Would it surprise many to learn that such a project did not meet the criteria for grant funding? If such a project is deemed unsuitable, and specific grant funding is not available, how can Water County Councils improve water delivery and improve infrastructure in rural NSW.

## **28 Tweed Shire Council Economic stimulus for regenerative landscape management**

The Local Government NSW lobbies the Federal and NSW Governments to request a specific and significant funding stream be made available for regenerative landscape management as an economic stimulus to be administered at local government level.

### **Note from Council**

Regenerative landscape management has the potential to create thousands of jobs, mitigate the

impact of natural disasters, enhance town water supply, assist farmers, capture carbon, and transform Australia's degraded landscapes.

Australia is in dire need of transformational change to address these issues. Landholders are keen to make changes but they need significant financial and technical support to implement these practices.

This COVID-19 crisis is an opportune time to kick start Australia on a path to building back better, reconnecting our communities to the land and keeping our communities safe.

Young people are keen to assist with this change but at the moment there are few job opportunities or career prospects in this area. Until research and investment in this space is activated these opportunities will not be realised. The Australian landscape is important for our national psyche and sense of well being. Regenerative landscape management is a way to reinvigorate that pride and be a transformative change that will secure Australia's future into the 21<sup>st</sup> Century.

### **29 Gilgandra Shire Council** **First generation dying swimming pools in regional NSW**

That Local Government NSW pursue designated funding from the NSW Government for the urgent replacement of first generation dying swimming pools in regional NSW.

#### **Note from Council**

The drought highlighted the important social health and community wellbeing impacts of the local swimming pools to communities in regional NSW. The local pool is a key piece of social infrastructure maintained and operated by many councils for the benefit of the general public. In regional areas the council swimming pool is the only opportunity for school carnivals and swimming lessons as well as being a social focus for young families and children. We know that access to a local pool has quantifiable impact on health data trends such as the number of drownings, obesity levels and the incidence of social isolation within our communities. Without an injection of funds to enable councils to replace first generation dying pools, our communities will struggle to continue to provide to these facilities and the associated health benefits.

### **30 Snowy Valleys Council** **Eligibility criteria for Job Retention Allowance**

That Local Government NSW lobbies the NSW Government to amend the eligibility criteria for the Job Retention Allowance funds to allow a fairer distribution to impacted councils who have not had to 'stand down' staff as a result of the pandemic.

#### **Note from Council**

The State have done an exceptional job in supporting business during the pandemic response. Anecdotally it is believed the majority of councils have not accessed the NSW Local Government Job Keeper funds even though they are eligible on the criteria of loss of income however they do not satisfy the provision about "standing down" employees. Certainly, the impact of COVID-19 on local government has been significant and further financial support direct to local government would be appreciated. The funds are allocated in the state budget and have not been spent and provide no support while sitting in the bank. The NSW Government should change the criteria and distribute the funds to those councils in most need of this support as an untied grant.

### **31 Cabonne Council** **Stronger Country Communities funding - additional round**

That Local Government NSW:

1. Thanks the NSW Government for providing \$400 million towards local infrastructure projects across regional NSW via the Stronger Country Communities fund.
2. Acknowledges that the NSW Government's Stronger Country Communities fund has enhanced regional communities and stimulated regional economies that have been hit hard by drought and bushfires.
3. Lobbies the NSW Government to commit to an additional round of Stronger Country Communities funding, due to the economic impacts of COVID-19. This would allow the previous 93 eligible regional councils as well as incorporated and not-for-profit organisations in those local government areas to access \$1 million in funding for community infrastructure projects.

4. Calls on the NSW Government to include in the criteria that infrastructure projects must stimulate regional economies by employing local tradespeople and buying local supplies.

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

#### **Note from Council**

Local government as an industry is a prime means for the NSW Government to provide stimulus funding to directly impact positively on the economies of our communities. These economies continue to struggle with the ongoing effects of the COVID-19 pandemic as well as the continuing lag from our recent drought in regional NSW. The motion is put to encourage the NSW Government to build on its previous initiatives in building Strong Country Communities to further bolster resilience of our rural and regional communities.

#### **Bourke Shire Council**

#### **Stronger Country Communities**

That Local Government lobbies the NSW Government to continue the Stronger Country Communities Program to ensure that the benefits that have been able to flow to rural communities since its inception continue to do so.

#### **Note from Council**

The Stronger Country Communities program is arguably one of the best funding programs that has been introduced for rural councils. The funding has enabled many projects to be progressed, which had been on the councils' wish list for many years but were unable to be undertaken due to budgetary constraints. It should be noted that the community has endorsed the projects undertaken.

The funded projects have in many instances led to dramatic improvements in the social amenity of country communities, many of which have large portions of their communities in lower socio-economic circumstances.

#### **32 Newcastle City Council**

#### **Gateway City classification**

That Local Government NSW:

1. Calls on the NSW Government to establish a consistent geography and classification across all NSW Government funding sources that enables equitable access for all local government areas (LGAs). This would provide more integrity to the process and enable new opportunities for LGAs like Newcastle and Wollongong, who have been effectively shut out from a range of funding sources; and
2. Asks the NSW Government to create a Gateway City classification to recognise that LGAs like Newcastle and Wollongong are major regional economic centres that sit between a metropolitan and regional classification. Gateway Cities will play a critical role in the future economic resilience and competitive opportunities of the state, particularly with the ongoing impacts of COVID-19. This would improve the efficiency and value for money of NSW Government grants;

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

#### **Note from Council**

City of Newcastle is significantly disadvantaged in both its eligibility and access to a large number of NSW Government Grant programs, noting that the independent Hunter Research Foundation Centre (HRFC) has identified government grant funding sources totaling \$5.86 billion where City of Newcastle has been deemed ineligible to access funding due to our classification - If Newcastle's share of these funds was in line with its share of Gross State Product in 2019, the region might have received or be receiving an extra \$170.4 million in funds.

The City of Newcastle has received 0.06% of Restart NSW Funds allocated to date, well below our share of the state's population (2.11%) and our share of Gross State Product (2.91%);

The City of Newcastle been effectively shut-out of all NSW cultural infrastructure grants, Newcastle is ineligible to access the Regional Cultural Fund, as it is defined as 'metropolitan', but there is no equivalent opportunity within metropolitan funding rounds, significantly stifling opportunities to improve our local cultural infrastructure, such as the redevelopment of the Newcastle Art Gallery.

## **Wollongong City Council**

## **Gateway Cities classification**

That Local Government NSW writes to the Premier of NSW to request the NSW Government:

1. Consider creating a Gateway City classification for LGA's like Wollongong and Newcastle to recognise the contribution they make to their respective regions and the nation.
2. Include a Gateway City classification in the Restart NSW program to provide LGA's like Wollongong and Newcastle with access to funds that support regionally significant projects.

### **Note from Council**

Wollongong and Newcastle are generally excluded from the definition of 'regional' in NSW funding programs, including the Restart NSW fund. Both cities must compete against Sydney in the metropolitan-based portion of Restart NSW which creates challenges and means both are often overlooked for infrastructure funding.

The cities of Newcastle, Wollongong and Geelong, together with the Committee for Geelong, have formed the Gateways Cities Alliance in a bid to capitalise on their shared characteristics and strategic assets. The Alliance recognises the important role of major regional cities to the Australian economy and how they can play a key role in reducing congestion and enhancing productivity, due to lower housing and land costs, higher density skilled labour markets, city-like amenity and quality education, transport, health and social infrastructure. Gateway Cities are well positioned to contribute to Australia's economic recovery and work with Governments in shaping the longer-term post-pandemic environment. Enabling access to Restart NSW funding through a Gateway City category will allow Wollongong and Newcastle to build on their strategic advantages and contribute to the post-pandemic economic recovery in NSW and Australia.

## **33 Lane Cove Council**

## **Post-COVID stimulus funding to promote the arts**

That Local Government NSW lobbies the NSW Government for post-COVID stimulus funding to promote the arts (art galleries, performances, exhibitions, festivals) in our communities.

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

### **Note from Council**

Cultural events are a wonderful way for councils to foster community well-being as well as generating tourism, employment and business opportunities. A State Government grants program which encouraged councils to host more cultural events (once pandemic restrictions are eased) would assist recovery in our communities, in both metro and regional areas.

## **Bega Valley Shire Council**

## **Regional Arts NSW support**

That Local Government NSW calls on the NSW Government to support Regional Arts NSW to continue as an effective model representing the network of Regional Arts Development Organisations (RADOs).

### **Note from Council**

Create NSW has released a discussion paper on the Regional Arts Network. The paper's options provide for survival of the network but do not provide resources for the vital role the Network has in 2021-2024 in recovery and renewal of regional NSW. The current NSW funding options force RADOs into a survival focus, rather than encouraging recovery in the regions.

Arts practitioners, being often sole operators, have been overlooked in government support. Yet NSW artists have contributed vastly to entertainment and mental health throughout fire and pandemic. Regional Arts NSW is essential to the continued vitality and strength of the network and needs to be well funded into the future.

## **Wagga Wagga City Council**

## **Arts and entertainment sector support**

That Local Government NSW advocates to State and Federal Governments to support the arts and entertainment sector throughout NSW, especially in regional areas due to COVID-19.

### **Note from Council**

There has not been an industry that hasn't been impacted by COVID-19, and while many are relying on JobKeeper and other supports, those in the arts and entertainment sector have been overlooked or ineligible for support due to the specific nature of their work. The arts and entertainment sector are estimated to contribute up to \$20 billion a year and employ tens of thousands of people. This sector needs significant support to be ready to reactivate post-COVID-19 and/or adapt to the new challenges facing their sector.

## **Lismore City Council**

## **Regional arts recovery from COVID-19**

That Local Government NSW:

1. Recognises the unique role regional arts organisations play in supporting the arts and cultural sector and providing community access to arts and cultural activity across NSW. And, that while the COVID-19 crisis has had an immediate and devastating impact on the arts and creative industries across the country, acknowledges regional artists and arts organisations have experienced particular challenges impacting their access to audiences, markets and income generation.
2. Strongly advocates for increased funding and support for the recovery initiatives of regional arts organisations and individuals as they emerge from this crisis.

**Note from Council**

Between 13 and 27 May 2020, Regional Arts NSW ran a COVID-19 impact survey through social media and the Regional Arts Development Organisation (RADO) network. An additional survey was carried out in order to determine the impact of COVID-19 closures on local government cultural workers, noting that local government were not initially supported by stimulus or job retention measures and this has had an impact on local government cultural activities.

RADOs across NSW also implemented small, quick response grant rounds that were highly sought after and over-subscribed, confirming the broad scale, devastating impact of COVID-19 on all regional arts organisations, sole traders, artists, businesses, arts contractors and staff.

Collated data clearly demonstrates that JobKeeper has been an insufficient response for the arts sector with the casual, under employed and contract nature of arts employment often not meeting the criteria. There are also significant, ongoing obstacles for the arts sector with social distancing creating almost insurmountable challenges.

The arts are a critical foundation for community well-being and will be essential for a full and complete social recovery from COVID-19. Governments must fund and resource these organisations and individuals in order for them to survive.

## Economic policy affecting local government

### 34 Georges River Council Inquiry into the Local Government Rating System in NSW

That Local Government NSW calls on members of the NSW Legislative Council to immediately establish an Inquiry into the NSW Local Government Rating and Revenue System to ensure that the long term financial sustainability of councils can be guaranteed and to address:

1. The response of the NSW Government to the IPART Review of the NSW Rating System (2016) that found 'the current system undermines council incentives to pursue growth and urban renewal, because they do not receive a commensurate increase in rates revenue to service new developments';
2. The findings of the August 2020 NSW Productivity Commission Green Paper that found 'the rate peg system does not currently compensate councils for having to service a larger pool of ratepayers, this leaves local governments with insufficient revenue to meet demand and an incentive to avoid housing growth';
3. The lack of action arising from the findings of the Henry Review of Taxation, the NSW Treasury Corporation's assessment of the financial sustainability of NSW councils and the NSW Independent Local Government Review Panel's Final Report;
4. The financial impact on the 2016 amalgamated councils and their communities, of the 'rates path protection freeze' that prevented the introduction of fair and equitable rating systems within 20 amalgamated local government areas until 2020;
5. The intergenerational inequity arising from the lack of rating reform in NSW;
6. Whether the century-old rating system and the NSW Local Government Act 1993 remains fit for purpose;
7. The demand from communities that councils take on the increasing financial responsibilities of population growth, infrastructure requirements and provide an increasingly large and diverse range of services, and the impact that the rate peg has on those responsibilities; and
8. The impact of cost shifting from Federal and NSW Governments onto NSW councils without financial compensation.

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

#### Note from Council

The Local Government Act 1993 prescribes how rates should be calculated and the process for regulating the amount by which councils can increase their general income. Each year IPART determines the maximum percentage by which a council may increase its general income, known as the 'rate peg'. Increases above the rate peg are only permitted upon application to IPART and are assessed based on the guidelines released by the Office of Local Government.

The current rating system is based on an outdated notion that councils only provide roads, rates and rubbish. For Georges River Council, 30% of services are mandated, this means essential and community based services, generated from our Community Strategic Plan which creates a thriving community, are at risk for future generations if the rating system does not acknowledge future population growth and the need for community investment.

There is increasing evidence to suggest that the current rating system being operated in NSW is contravening the local government sector's ability to adhere to section 8B of the *Local Government Act 1993*. In that the principles of sound financial management and intergenerational equity are not being applied to the rating system. The rating system does not adequately account for population increases, the demand for an expanding number and quality of services, rising community expectations on asset quality and design, and aging infrastructure.

If the rating the system is not reviewed, there is a risk future generations will have less access to services and facilities than those in our community are utilising today. The sector will have no option but to reduce services.

The notion that the rating system requires an extensive reform has been supported by the NSW Productivity Commission and IPART.

The NSW Productivity Commission outlined in August 2020, that the existing rates mechanism does not sufficiently compensate councils for population growth. This leaves local governments with insufficient revenue to meet demand, and with an incentive to resist development.

Since 2013, IPART has been recommending a review of the rating system that focused on:

- Options to reduce or remove excessive exemptions and concessions that are contrary to sound fiscal policy and jeopardise councils' long-term sustainability; and
- More equitable rating of apartments and other multi-unit dwellings, including giving councils the option of rating residential properties on capital improved values, with a view to raising additional revenues where affordable.

After extensive community and stakeholder consultation, IPART released its final report to the Minister for Local Government in December 2016.

Since this date no changes have occurred, except those that froze an amalgamated council's ability to apply gradual harmonisation of the former councils' rates structures over 4 to 5 years. Therefore amalgamated councils are now required to harmonise their rates under the current legislation with the inability to manage large increases of rates across different areas of their community.

The true financial and economic impact of the delay in rating reforms over at least the past 20 years is largely unknown. Although the increase in councils with deteriorating financial operating results is evident.

The COVID-19 pandemic has also worsened the sector's already fragile financial sustainability. The prohibition on councils to access Jobkeeper resulted again in councils wearing a cost that they could not afford and potentially cannot not recoup in future years.

Rates are the largest and single most stable source of revenue for councils, accounting for about two thirds of a council's income. Rate pegging over many years in NSW has resulted in:

- Under-provision of community infrastructure and services.
- The deferral of infrastructure maintenance and renewal expenditure resulting in large infrastructure backlogs
- Undermining the financial sustainability of councils
- Distortion of council revenue bases by forcing councils to rely more heavily on user fees, charges and infrastructure contributions.

Various studies have found that NSW has failed to keep up in the growth of rate revenue per capita compared to VIC and QLD which do not have rate pegging. One study has estimated that NSW had foregone approximately \$15 billion in rates compared to VIC because of rate pegging.

There is a growing body of independent expert opinion that supports the local government position. This provides an opportunity to escalate advocacy for abolishing rate pegging.

The Henry Review of the Australian Tax System said States should allow local governments 'a substantial degree of autonomy to set the tax rate applicable to property within their municipality'. The Henry Review also described local rates as one of the most efficient of all current taxes levied by any level of government.

The IPART Review of the NSW Rating System (2016) said that 'the current system undermines council incentives to pursue growth and urban renewal, because they do not receive a commensurate increase in rates revenue to service new developments.'

The recent NSW Productivity Green Paper found that 'the rate peg system does not currently compensate councils for having to service a larger pool of ratepayers, this leaves local governments with insufficient revenue to meet demand and an incentive to avoid housing growth.'

Business advocacy groups are also calling on the NSW Government to abolish rate pegging as part of the government's post-pandemic recovery plan for NSW.

The Committee for Sydney and the Sydney and Western Sydney Business chambers say rate pegging should be removed so struggling councils can maintain staff levels, provide essential services and invest in infrastructure.

### **Lake Macquarie City Council** **Changes to Local Government Act from IPART Rating Review**

That Local Government NSW calls on the NSW Government to expedite the changes required to the Local Government Act 1993 to deliver the reforms supported in the NSW Government's response to the IPART Review of the Local Government Rating System.

#### **Note from Council**

NSW councils have been advocating for reform to the rating system for many years and welcomed the IPART Review of the Local Government Rating System Draft Report in August 2016. The NSW Government responded to this report in June 2020.

The focus of the review was to explore options to redistribute the rating burden within council boundaries to improve the equity and efficiency of the rating system. These improvements would enhance councils' ability to implement sustainable fiscal policies over the long term.

The Government response to the IPART Review of the Local Government Rating System supported 13 recommendations for reform. These reforms would allow councils' general income to grow as the communities they serve grow, and give councils' greater flexibility when categorising land.

### **35 Blue Mountains City Council** **Fixing the Unfair Rating Systems in NSW**

That Local Government NSW:

#### 1. Notes:

- a. annual increases in overall rates charged by local councils are set each year by the NSW Government's Independent Pricing and Regulatory Tribunal (IPART) through the rate peg system. In 2020-2021 the rate peg increase was 2.6% to take account of costing of living/CPI increases;
- b. at the same time, the NSW Valuer General's three yearly cycle of reassessment of land valuations to determine individual household rates means that individual rate payers may experience wildly different variations in their rates when compared to anticipated and published IPART rate peg increase. For example, in the Blue Mountains LGA, the NSW Valuer General's wholesale reassessment of land values meant that some individual households experienced rate increases of up to 40% (15 times more than the rate peg), while other households' ratings charges stayed the same and some households rates went down. Meanwhile, the overall ratings amount levied by the Council did not increase beyond the IPART rate peg of 2.6%;
- c. the NSW Government directed IPART to undertake a review of the NSW Ratings System in 2016 and it has taken four years for the NSW Government to respond and the Government is yet to implement any changes to improve the ratings system across NSW.

2. Calls on the NSW Government to fix the broken and unfair ratings system in NSW to make the ratings system fairer and predictable for all property owners across NSW.

3. Calls on the NSW Government to fully fund the excessive rate increases caused by the NSW Valuer General's reassessment of land values in local government areas, due to the economic impacts of the Black Summer bushfires, February floods and the COVID-19 pandemic.

#### **Note from Council**

Under the NSW Local Government Act 1993 (LG Act) land values are used to determine the amount of rates charged to each property. Land values are revalued, independent of council, by the NSW Valuer General on a three yearly cycle.

IPART undertook a review of the NSW Ratings System in 2016 and it has taken four years for the NSW Government to respond and the Government is yet to implement any changes that will make the ratings system fairer and predictable for all property owners across NSW.

This is causing financial duress and unfairness for ratepayers across NSW and in particular for those LGAs recovering from recent multiple disasters, such as bushfires, floods and COVID-19.

For example, the NSW Valuer General's assessment of land valuations in 2019 in the Blue Mountains has led to unfair rate increases for some property owners in the Blue Mountains of 30-40%, while other property owners' rates have stayed the same, or some property owners' rates have gone down.

Overall land values have increased by 31% throughout the Blue Mountains LGA between the 2016 and 2019 Valuer General valuations, influenced by very strong increases in residential and industrial land values and strong increases in commercial land values. Land valuation adjustments have fluctuated greatly for individual ratepayers resulting in many with large increase in their rates.

In the Blue Mountains LGA, 58% of ratepayers have been impacted by increased rates for the 2020/21 rating year. One third of ratepayers significantly affected with an increase in rates greater than 10%, including approximately 2,000 pensioners. The impact range is in the mid to upper Blue Mountains from Faulconbridge to Mount Victoria with the majority of impact affecting Blackheath, Katoomba and Leura. These upper mountains residents and businesses in particular have been impacted by the bushfires.

Even though land valuations have increased, the total rating income charged by Council only increased by the rate peg of 2.6%. Where some ratepayers with land valuations that have increased by more than the average pay more, others pay less.

Since the 2019 valuations, the impact of the COVID-19 pandemic on the community and the local economy, on top of bushfire and flood impacts, have already been absolutely devastating and excessive increases to rates, due to changes to land valuations, are an additional burden on residents. Many residents have lost their jobs or have had their incomes significantly reduced. Many local businesses have had to close down or have had their incomes severely reduced.

The experience of the City of Blue Mountains highlights the urgent need for the NSW Government to fully reform the ratings system in NSW. Until such time as the NSW Government delivers on these reforms, we call on the NSW Government to fully fund the excessive rates increases caused by changes in land valuations, in recognition that many communities are experiencing economic hardships due to the impacts bushfires, floods and the COVID-19 pandemic.

### **36 Bland Shire Council IPART Review of the Local Government Rating System**

That Local Government NSW lobbies the NSW Government, in the strongest possible terms, to ensure that Recommendation 34 of the 2016 IPART Review of the NSW Local Government Rating System does not become legislation because of the severe and adverse financial impact this will have on all mining affected communities in NSW.

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

#### **Note from Council**

The IPART Review into Local Government Rating in NSW was completed in 2016 and unfortunately, it has taken the NSW Government four years to respond. A much earlier and timelier response would have seen this issue resolved well before now.

The recommendation to reduce the income from the mining rate to something equivalent to a business rate would see the loss of income for Bland Shire Council of approximately \$700,000 p.a based on the 2020/21 rating structure.

If this recommendation becomes legislation then Bland Shire Council would seriously need to consider increasing its rates across all other categories to compensate for such a loss.

Council finds it somewhat ironic that the Minister for Local Government, in a media release dated 18 June 2020, in response to the IPART Report, is quoted as saying: "...the Government will continue to work to ensure councils have a stable and reliable revenue base so they can plan and deliver services for their communities into the future."

The anticipated loss of \$700,000 p.a will certainly not achieve the Minister's objective within the Bland Shire.

If NSW councils are to be deprived of significant income from mining activities based on the cost to service mining properties then should not the NSW Government also be reviewing its formula for the calculation of Royalties collected from mining activities based on a similar principle? Council expects not!

Bland Shire Council calls on the support of all NSW councils in an effort to maintain the integrity of the mining rate and the community benefits that accrue as a direct result of this source of rate income.

### **Broken Hill City Council** **2016 IPART Review of the NSW Local Government Rating System**

That Local Government NSW lobbies the NSW Government, in the strongest possible terms, to ensure that Recommendation 34 of the 2016 IPART Review of the NSW Local Government Rating System does not become legislation because of the severe and adverse financial impact this will have on all mining affected communities in NSW.

#### **Note from Council**

The IPART Review into Local Government Rating in NSW was completed in 2016 and unfortunately, it has taken the NSW Government four years to respond. A much earlier and timelier response would have seen this issue resolved well before now.

The recommendation to reduce the income from the mining rate to something equivalent to a business rate would see the loss of income for Bland Shire Council of approximately \$700,000 p.a. based on the 2020/21 rating structure.

If this recommendation becomes legislation then Bland Shire Council would seriously need to consider increasing its rates across all other categories to compensate for such a loss.

Council finds it somewhat ironic that the Minister for Local Government, in a media release dated 18 June 2020, in response to the IPART Report, is quoted as saying: "...the Government will continue to work to ensure councils have a stable and reliable revenue base so they can plan and deliver services for their communities into the future."

The anticipated loss of \$700,000 p.a will certainly not achieve the Minister's objective within the Bland Shire.

If NSW councils are to be deprived of significant income from mining activities based on the cost to service mining properties then should not the NSW Government also be reviewing its formula for the calculation of Royalties collected from mining activities based on a similar principle? Council expects not!

Bland Shire Council calls on the support of all NSW councils in an effort to maintain the integrity of the mining rate and the community benefits that accrue as a direct result of this source of rate income.

#### **Impact of the IPART Review into Local Government Rating in NSW to Broken Hill City Council**

The effect on Broken Hill City Council if the IPART recommendation as written above was passed would be similar to that of Bland Shire Council and result in an estimated loss of \$350,000 from the rates mining category. Council would either have to absorb this loss and reduce service delivery across Council services or look to further burden the residential and business sectors by increasing rates to compensate the reduction.

### **Lachlan Shire Council** **IPART Review of NSW Local Government Rating**

That Local Government NSW lobbies the NSW Government to not adopt Recommendation 34 of the 2016 IPART Review of the NSW Local Government Rating System, due to the severe financial impact of the recommendation on mining affected communities in NSW.

### **Note from Council**

In 2016 IPART produced a report for the NSW Government which included a review of Local Government Rating. The report contained many recommendations and the Government has indicated support for Recommendation 34 which states; "Any difference in the rate charged by a council to a mining category compared to its average business rate should primarily reflect differences in the council's costs of providing services to the mining properties".

If this recommendation is adopted and legislated by the NSW Government it will result in a reduction in mining rate revenue of more than \$700,000 p.a for Lachlan Shire Council. To maintain Council's current rate yield rate charges would need to increase by approximately 10% across other rate categories.

Lachlan Shire Council requests support from all NSW councils to discourage the NSW Government from adopting this recommendation that will disadvantage all mining affected communities in NSW.

### **Blayney Shire Council**

### **IPART Review into the Local Government Rating system**

That, in relation to Recommendation 34 of the IPART Review into the Local Government Rating system, Local Government NSW lobbies the NSW government to either:

- a. not implement the recommendation; or if it is to be adopted
- b. meaningfully engage with all affected councils before doing so, including a careful consideration of the rationale for and impacts of the recommendation and solutions for any adverse impacts on the financial viability of affected councils.

### **Note from Council**

Recommendation 34 of the IPART Rating Review is:

"Any difference in the rate charged by a council to a mining category compared to its average business rate should primarily reflect differences in the council's costs of providing services to the mining properties." IPART based its recommendation on its view that mining rates should be set relative to other business categories primarily to reflect differences in the cost of providing council services to these properties. They analysed data from 2013/14 which suggested that some councils may be using the mining category as a profits tax to fund local services. The recommendation was intended to make the mining rate more cost reflective and promote other tax principles, ensuring the rate is not just based on capacity to pay. They noted that councils should be able to charge higher rates if there is a higher cost of servicing mining properties, including long term rehabilitation and other costs imposed on the local community. They also noted that councils also have the ability to apply for Special Variations to recover costs imposed by mines operating in their LGA. IPART referred to the Victorian model where the Victorian Local Government Act provides that the highest rate cannot be more than four times the lowest rate in an LGA.

In support of this motion; Recommendation 34 is inconsistent with one important principle of taxation, namely equity. According to IPART itself in its report, this principle is that ratepayers should contribute to funding public goods according to their ability to pay, so that people who are better off to pay more tax than those who are worse off, so the burden of tax is proportional to the taxpayer's means. This was one of the reasons for the recommendation to change the rating basis to capital value of land.

The recommendation also does not sit well with the general thrust of the IPART approach evident throughout its report. This includes comments:

- that rates income should be allowed to increase over time in line with the growth in new capital investment (not just CPI increases apportioned across the value of unimproved land);
- that councils should be allowed to establish and fund additional infrastructure and services for the use of both current and future ratepayers without the need for NSW Government assistance or Special Variations;
- that flexibility should be encouraged by a new rating category and new subcategories for residential, business, farmland and mining properties, to encourage urban renewal and growth; and
- that councils should be allowed to use their rate structures to better take account of different costs that arise from different land uses.

In addition, any 'across the board' cap on mining rates relative to business rates is unnecessary in the light of the existing regulation making power in section 528(2) of the Local Government Act 1993.

### **37 Lachlan Shire Council**

### **Re-ascertainment of mining land**

That Local Government NSW lobbies the NSW Government and the NSW Valuer General to limit or prohibit the retrospective revaluation or re-ascertainment of land values, for mining properties, beyond the current base valuation year.

### **Note from Council**

Council recently experienced the re-ascertainment of a mining property for both the 2019 and 2016 valuation years. The Valuer General did not provide Council with any notice that a re-ascertainment was being considered for prior periods. This resulted in Council having to raise a substantial rate credit for the mining company.

Subsequent communication with the Valuer General has revealed that there is no limitation on the period for a retrospective re-ascertainment of land values. This leaves councils exposed to prior period rate adjustments if future evidence reveals that past valuers were over-valued. However, it is unlikely that a re-ascertainment would be undertaken if future information showed that the valuation was under valued.

### **38 Forbes Shire Council**

### **Consideration of land value by the Valuer General**

That Local Government NSW lobbies the Valuer General to not take into account the approvals for water use and water supply works when determining rural land values.

### **Note from Council**

When valuing rural land the Valuer General currently removes improvements from the sale price when determining land value to arrive at an "unimproved land value". This is also the case with so called "irrigation properties" with the following items not included by valuers:

- i. The value of the water access licence
- ii. Works of irrigation such as dams and levelling
- iii. Irrigation plant and equipment; and
- iv. The water associated with any water right.

The approval for water use and water supply works (whether used or not), however are included, as they are deemed to reflect the ability of the land to be irrigated and are therefore considered when determining the land value.

Forbes Shire Council is located in a prime irrigation area, and many properties within our shire were adversely affected in the recent land revaluation carried out by the Valuer General due to the inclusion of approvals for water use and water supply works in determining land value.

The fact that these rights were included, whether or not these rights were used, is unfair and has demonstrably increased the cost of irrigation land.

### **39 Blue Mountains City Council**

### **Crown Lands and Plans of Management**

That councils at the Local Government NSW Annual Conference:

1. Seek the NSW Government fully fund the costs associated with transfer of management of Crown Lands to local councils, including the costs of developing and implementing Plans of Management for Crown Land Reserves;
2. Seek the NSW Government recognise the difficulties being encountered by local government of NSW in meeting the requirements of the Crown Lands Management Act 2016 and extend the timeframe for adoption of Plans of Management for public reserves for which councils are appointed as Crown Land Manager; and
3. Seek the NSW Government improve training and support provided for appointed Native Title Managers within local government of NSW.

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

### **Note from Council**

The Crown Lands Management Act 2016 transferred responsibility for the management of Crown Land public reserves to local government with nominal grant funding to assist with the procedures and responsibilities associated with this transfer of management of responsibilities and liabilities.

This imposes a significant volume of work for local councils to be undertaken within an unrealistic timeframe. This includes the need for adoption of Plans of Management for public reserves by 30

June 2020. For local councils managing large areas of Crown Land this is a major impost. This is being exacerbated by time taken for Crown Land to assess and approve documentation provided by councils as required under the Act.

The transfer of liability for any acts carried out on Crown Land by local councils that may affect native title also requires both increased resources as well as increased expertise in staff dealing with these matters. Training which has been provided by the Crown Lands has been inadequate to upskill officers appointed as Native Title Managers.

## **Greater Hume Council**

## **Management of Crown Lands**

That Local Government NSW urgently requests the NSW Government to adequately resource the NSW Department of Planning, Industry and Environment so that Crown Land matters can be dealt with so as to reduce the large backlog of applications.

### **Note from Council**

The Crown Land Management Act 2016 (CLM Act) commenced on 1 July 2018, with the aim of: introducing a consolidated, modern piece of legislation to govern the management of Crown Land in NSW. The introduction of the new CLM Act was aimed at cutting red tape and increasing the efficient use of Crown Land.

With one or two exceptions the aims of the new CLM Act have not materialised. The only efficiency that Greater Hume has achieved is the ability to manage Crown Land as if it were public land under the Local Government Act 1993. Even with this efficiency comes the huge offset of transferring the responsibility for the native title issues from the NSW Government to council.

Some of the issues identified by Council with management of Crown Land under the new Act are as follows:

- Expectation for Council Crown Land Managers (CLM) to have the same knowledge as Crown Land staff – council CLMs should be provided with access to the same information and systems as the Crown e.g. Crown Land Information Database (CLID).
- Sec 38e of the Roads Act remains unclear in respect of the definition of “Construction”. This is problematic for both Crown and Council when dealing with unused roads that may/may not vest in the Crown.
- Vesting of Unused Council road in the Crown – Council informally advised that an application to close and vest a council road in the Crown will not be addressed at this time, partially due to Crown resources and that the cost to undertake the process would cost more than what the value of the land would be.
- Greater Hume has received a number of Road Closure applications that have been returned for processing under the new CLM Act/Roads Act – however, the original applications were submitted up to 5 years ago to Crown.
- Brocklesby Recreation Reserve – Council’s application for road closure acknowledged by Crown - 3 April 2020 - no further action - Council still awaiting confirmation that closure will proceed - due to resourcing.
- Crown Lands reluctant to provide assistance for current issues and are recommending that Council waits until e.g. Plans of Management completed, however, this holds up Council’s processes. Council requested assistance with amendment to Reserve purpose R90912, April 2019, Crown advised that unless the matter is urgent we will have to wait for the POMs to be completed. Council advised Crown that the matter “is of extreme importance and requires completion within the next 3 to 6 months” and that the completion of Council’s POMs were outside the timeframe. No response from Crown to follow up emails.
- Local branch under resourced which reduces their capacity to address issues and provide support to Council as CLM.
- Availability of standardised leases and licences for Crown reserves.
- September 2016 there had been discussions relating to the transfer of local Crown Land to councils under the Land Negotiation Program. No further discussions have taken place since that time.
- What will be happening with the current Telco/NBN licences currently on Crown Reserves managed by Council as CLM. The licence is between the Minister and the Telco and the rent is paid to the Crown which is then aligned to the Public Reserves Management Funds. Is the intention to transfer the licences to Council as Crown Land Managers?
- A local fire brigade has sought to have a culvert installed in a water way traversing crown land to provide access to a heavily timbered area in the event of fire. It has been impossible to speak with someone with sufficient authority to make a decision.

In one particular case Council sought to have a public watering place sold for residential development for almost 4 decades and the land still remains still unavailable for that purpose.

Most of these issues are as a result of chronic under resourcing of the Crown Lands Division of Department of Planning, Industry and Environment and this must be addressed as COVID-19 Stimulus measure as in many cases has the ability to significantly stimulate local economies.

#### **Shoalhaven City Council** **Support for the completion of Crown Land Management Plans**

That Local Government calls on the NSW Government to provide greater funding to councils to complete Crown Land Management Plans.

##### **Note from Council**

With the commencement of the Crown Land Management Act 2016 (CLM Act) – Section 3.23, councils are required to manage Crown Land, where they are Crown Land Manager, as if it were community land under the Local Government Act 1993 (LGAct). This necessitates the assignment of a category under s36 LGAct and the preparation and adoption of a Plan of Management (PoM) for each category or site a specific PoM where specified. The adoption of the PoMs requires Minister's approval, public exhibition and/or public hearings.

These legislative amendments have created significant cost and resourcing impositions for councils. For the aims of the legislative change to be achieved, much greater funding needs to be provided to councils to undertake this work, as the current NSW Government contribution is significantly deficient.

By way of example, Shoalhaven City Council (SCC) manages approximately 628 parcels of land that make up 119 Crown Reserves. Estimates of cost to SCC to achieve PoMs for all Reserves and meet the 30 June 2021 deadline is approximately \$1.3 million. Of this the NSW Government contribution was \$78,444 resulting in a significant shortfall and cost burden imposed on SCC.

#### **40 Kyogle Council** **Local government Financial Assistance Grants**

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

##### **Note from Council**

The per capita minimum grant amount is increasingly diverting income away from those who need it the most, and adding to the horizontal fiscal inequity that exists between metropolitan and regional communities.

At the 2019 ALGA National General Assembly the following resolution was carried;  
"That the National General Assembly calls on the Federal Government to remove Part 1 Sec 6 2b of the Local Govt Financial Assistance Act 1995 to remove the minimum per capita amount grant."

We are now calling on LGNSW and the NSW Government to support the call for the removal of the minimum per capita grant.

#### **41 Cootamundra-Gundagai Regional Council** **Financial Assistance Grants**

That Local Government NSW calls on the NSW Government to reconsider the factors that determine the allocation of Financial Assistance Grants, being road distance and other terrain issues, so that local government areas with difficult terrain receive a fairer distribution of Financial Assistance Grants. This is for the reason that the cost to build a kilometre of road in undulating and mountainous country is substantially more expensive than in the tablelands.

#### **42 Cootamundra-Gundagai Regional Council** **Capital Improved Value**

The NSW Government introduce a Capital Improved Value (CIV) to the NSW rating system as an option available to all councils. This is so that growth and rates and revenue outside the rate peg percentage be calculated on changes to the CIV as this would enable growth in the rate base to keep pace with real growth and associated increases in demand for council infrastructure and services. In light of such support increasing the income of city councils, then a redistribution of Financial Assistance Grants to rural councils be considered at the same time, to enhance financial sustainability for the sector.

#### **43 Lismore City Council** **Australian made workwear**

That Local Government NSW encourages councils to purchase Australian made workwear (and Personal Protective Equipment (PPE) to bolster the national manufacturing industry.

### **Note from Council**

The recent COVID-19 crisis has highlighted Australia's vulnerability because we have been purchasing large volumes of crucial materials from overseas countries.

#### **44 North Sydney Council**

#### **Rates paid by educational institutions**

That Local Government NSW calls for the NSW Government to ensure educational institutions acquiring additional land pay council rates on new acquisitions

### **Note from Council**

Councils do not receive rates on land owned by educational institutions. When these institutions acquire land that was previously ratable (eg residential properties), a council's revenue from these properties is reduced. This can lead to an increase in rates for other ratepayers.

#### **45 Lismore City Council**

#### **Maintenance payments in funding for construction projects**

That Local Government NSW strongly advocates for:

1. A change to State and Federal Government funding regimes to include acceptance of a strong case for part funding of maintenance on construction projects over \$100 million for city councils and \$20 million for rural and regional councils.
2. The establishment of a 'means test' or equivalent to apply maintenance funding.

### **Note from Council**

Councils are grateful for the grant funding that is provided by State and Federal Governments. The current funding models require councils to provide funding for maintenance from day 1 of the operation of an asset.

In the case of significant construction projects \$100 m+ for city councils and \$20 m+ for regional and rural councils, the cost of the maintenance burden commences on handover of the asset. This is particularly so for public recreation facilities and sports fields but is equally relevant to transport assets.

Councils require the grant funding to commission that asset but Government funding guidelines do not allow for funding of any maintenance.

The approach that is most often taken by Government is to allow for a hardship or equivalent application to reduce the council co contribution to the asset creation. This is not adequate to enable the council to commence funding of the initial years of maintenance. Councils are unable to increase revenues through council rates to support the maintenance of an asset that is not yet built. The process of obtaining a rate variation to fund maintenance of a new asset is 2-4 years, depending on where the CSP is up to in its lifecycle.

Government could create a 'means test' type approach to enable councils to fund the first 1-2 years maintenance of significant assets.

#### **46 Lismore City Council**

#### **Insurance for residents undertaking roadside maintenance**

That Local Government NSW make representations to StateCover to offer an option for councils to provide insurance coverage for residents who undertake maintenance on roadside verges.

### **Note from Council**

Traditionally most ratepayers with houses maintain the area of land outside their front fence/boundary line, and the road even though this is technically council owned land. In the farming areas many farmers use their own tractors to maintain road sides to improve safety for both road users, school buses and pedestrian and keep the whole area tidy. This practice has been the norm for as long as can remember.

Around 1994 a review by Lismore City Council resulted in active encouragement for people to maintain council owned road verges and arranged for the existing Council insurance cover to include



**Note from Council**

Many councils are exploring future strategies for energy efficiency and greenhouse gas reduction, including significant commitments to renewable energy. In what is understood to be a first for the NSW local government sector, 3 WSROC councils have progressed negotiations to enter into a renewable energy power purchase agreement (PPA) structured as a 'contract for difference'. This will support the development of a new solar farm in regional NSW. The aim is for the 3 councils to match their electricity demand with the equivalent amount of renewable electricity, and thereby move to potentially 100% renewable electricity supply, while supporting the renewable energy sector.

However, the proposal cannot be progressed as the PPA arrangement, which is commonly used by the private sector due to its cost effectiveness, is presently not permitted as a consequence of the narrow range of investment types NSW councils are permitted to make in accordance with the current Ministerial Investment Order (2011).

## Water and utilities

### 49 Narromine Shire Council

### Statewide water security

That Local Government NSW lobbies the NSW Government and Federal Government to expediate the lifting of flood mitigation zones to ensure statewide water security, including at Burrendong Dam.

#### Note from Council

A long term strategy is required to minimise the significant risks to life and livelihoods; damage to urban and rural property and the major disruption of economic activity from rapid and deep flooding and to mitigate the prolonged effects of sustained drought, via increased storage capacity.

### 50 Federation Council

### Funding for critical water and sewer infrastructure

That Local Government NSW requests the NSW Government to provide improved funding pathways for councils to be able to gain 60% + funding for replacement of critical water and sewer plants/major enabling infrastructure.

#### Note from Council

Many councils need further assistance, including in funding for planning to shovel ready, critical water and sewer projects. This should not be a case as is currently, of waiting until the council has an adopted IWCM. For councils that do not have an up to date and adopted IWCM, funding and assistance to complete the IWCM, should be made available in the project funding for the infrastructure. This is provided the infrastructure item passes a gateway process that proves it is required, regardless of any new IWCM.

### 51 Bourke Shire Council

### Murray Darling Basin Plan

That Local Government lobbies the Federal Government to expedite the finalisation of the Murray Darling Basin Plan to allow individuals and communities to plan for the future with an increased level of certainty.

#### Note from Council

The ongoing uncertainty and debate over the Murray Darling Basin Plan continues to create a degree of uncertainty amongst those persons and communities who have been significantly impacted.

Whilst understanding the complexity of the plan it has been in operation and under further development and amendment for 10 years and it is surely time that finalisation occurs and the ongoing political debate and point scoring can be brought to an end.

### 52 City of Sydney

### Woronora reservoir

1. That Local Government NSW notes:
  - (i) the NSW Government has recently granted planning approvals for an expansion of coal mining operations under Woronora reservoir, one of Sydney's key drinking water catchments;
  - (ii) the new expansion will see new coal faces established under the Woronora Dam, which supplies drinking water to Sydney. Up to three new underground coal faces will be established at the mine, with two of them running below the dam's water storage;
  - (iii) this decision to allow coal mining under the Woronora reservoir poses a direct threat to the drinking water of hundreds of thousands of Sydneysiders;
  - (iv) mining activities under the reservoir could compromise the integrity of the water storages, potentially leading to leakages, and flow on environmental damage to the surrounding water table and the quality of drinking water supplies; and
  - (v) the full impacts of the underground mining operations will not be known for several decades, and changes in the geological structures below the dam could continue well after the final coal has been extracted from the site; and
2. That Local Government NSW:
  - (i) opposes the approval of long-wall coal mines under Sydney's drinking catchments;

- (ii) lobbies the NSW Government against the issue of long-wall mining approvals under Woronora reservoir, and other mines which have the potential to risk contaminating Sydney's drinking water supply; and
- (iii) opposes the approval of any mines which have the potential to contaminate drinking water supply of any community in NSW.

### Note from Council

In March 2020, the NSW Government granted planning approvals for an expansion of coal mining operations under Woronora reservoir, one of Sydney's key drinking water catchments. This new expansion will see new coal faces established under the Woronora Dam, which is one of Greater Sydney's key drinking water catchments. Up to three new underground coal faces will be established at the mine, with two of them running below the dam's water storage.

This decision to allow coal mining under the Woronora reservoir poses a direct threat to the drinking water of millions of Sydneysiders.

Mining activities under the reservoir could compromise the integrity of the water storages, potentially leading to leakages, and flow on environmental damage to the surrounding water table and the quality of drinking water supplies. The full impacts of these underground mining operations will not be known for several decades, and changes in the geological structures below the dam could continue well after the final coal has been extracted from the site. The roof of the mine has the potential to collapse if abandoned, meaning the threat of contamination to Sydney's water supply will remain indefinitely.

As reported by the ABC in August 2017, the abandoned Berrima Colliery was found to be releasing increasingly polluted wastewater into the Wingecarribee River which, like the Woronora reservoir, also feeds into Sydney's water supply, despite the mine closing in 2013. This this contamination only emerged in 2015, according to the Environment Protection Authority, two years after its closure.

### 53 Bourke Shire Council

### Water security

That Local Government NSW lobbies the NSW Government to provide the required resources to expedite the planning and consultation period for the proposed Western Weirs Program.

### Note from Council

Councils in the west of NSW have welcomed the Western Weirs Strategy and thank the NSW Government for the introduction of the initiative. However, the initial briefing paper guidelines indicate that the planning and consultation phases will take up to three years and the construction a similar period.

Given the predictions that Australia could be faced with ongoing reductions in rainfall, it is important to ensure that communities in the state's west are drought proofed into the future. It is important that the rainfall that occurs is captured in storages along the river system and not allowed to simply flow into the ocean.

### 54 Tamworth Regional Council

### Water recycling opportunities

That Local Government NSW requests the NSW Government to review the approval process to allow more rapid delivery of recycled water options; fund research into how water is recycled and treatment processes available for handling by-products from those processes and to commence a community education campaign across the State in relation to direct and in direct potable reuse.

### Note from Council

The recent severe drought across NSW, which some parts of the State are still recovering from, saw many towns facing the prospect of running out of water. This should see the NSW Government accelerate efforts to further secure water supplies for urban centres. One option that should be considered is the use of recycled water to offset the use of treated water or to augment existing water supplies, through indirect or direct potable reuse.

At present, the option of recycling water is mired in Government red tape and bureaucracy making it very difficult to develop any realistic recycling option at a reasonable cost.

In inland centres, what to do with the by products from water recycling is a central issue, and in relation to direct and indirect potable reuse, communities must be better educated before there will be wide spread acceptance of this option.

**55 Murray River Council** **Mandatory monitoring of sewerage/waste water**

That Local Government NSW lobbies the NSW Government to:

1. provide financial support to local government in meeting the requirements of sewerage/waste water monitoring for the detection of pandemic related disease and illegal drugs; and
2. lobby the Federal Government for a national adoption of the scheme.

**Note from Council**

Some testing of sewerage/waste water is being carried out by councils to detect the COVID-19 pandemic related disease. No financial assistance is provided for this testing or for illegal drug use detection.

In the interests of public health for all, the NSW Government should provide financial support to local government and lobby the Federal Government to adopt this approach nationally.

**56 Tamworth Regional Council** **Independent Water Commission**

That Local Government NSW petition the NSW Government to reinstate the role of Water Commissioner and establish an Independent Water Commission in order to provide an open and transparent process for the negotiation of water sharing plans that will deliver sustainable water security solutions for local communities.

**Note from Council**

Water security for local communities is being jeopardised by the lack of openness and transparency in the negotiation of water sharing plans. An Independent Commission for Water in NSW with a Water Commissioner would consider all competing demands for water and make decisions based on science rather than political issues and this needs to happen swiftly to ensure regional communities are not left to run out of water.

**57 Lachlan Shire Council** **Community water allocations**

That Local Government NSW lobbies the NSW Government, WaterNSW and DPIE Water to review existing water allocation rules, for the purpose of providing community water allocations for regional and rural communities, where local economies and community wellness are adversely impacted by reduced water allocations.

**Note from Council**

While current water sharing plans provide appropriate assurance for the allocation of water for town water supplies there is no provision for a category of community water. Some rural communities rely on off stream dams etc to provide passive recreation, green space and environmental habitat in their communities. These places attract tourists and other visitors that generate an economic benefit for the community. They are also often an oasis for communities affected by drought and help combat the mental health problems that arise in tough times.

Allocations for town water supplies are non-transferable and cannot be used for maintaining recreational water bodies. A community water allocations for the purpose of maintaining facilities that generate economic benefit and promote community wellness would assist rural communities.

## Planning

### 58 Randwick City Council

### Overreach of NSW Government planning powers

That Local Government NSW:

1. Calls on the NSW Government to:
  - a. implement policies that ensure that planning decisions are community led and which recognise that local councils are best placed to make decisions about planning that is appropriate for their local area and constituents; and
  - b. review the Accelerated Planning Program, the Planning Reform Action Plan, and 2020 changes to the Environmental Planning and Assessment Act, the Independent Planning Commission, and Local and Regional Planning Panels and take immediate steps to ensure that even in times of crisis, planning approvals consider the impact of development on the environment, local communities and neighbouring residents.
2. Expresses its opposition to:
  - a. the 2020 changes to the Environmental Planning and Assessment Act which grant the Minister unprecedented powers to override planning decisions made by local councils, Planning Panels and the Independent Planning Commission;
  - b. the increase in the referral threshold of the Independent Planning Commission which significantly reduces the ability of communities to object to contentious developments;
  - c. reforms that will allow a new class of appeals for rezoning applications making it easier for developers to significantly change the character of local areas;
  - d. the NSW Government's Planning Acceleration Program which may deprive communities of the opportunity to have reasonable input into major developments; and
  - e. changes to Local Planning Panels that require panels to hold meetings in public only where a development application has attracted 10 or more unique submissions.

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

#### Note from Council

The NSW Government amended section 10.17 of the Environmental Planning and Assessment Act (EPA Act) to give the government unprecedented powers to override planning decisions during the COVID-19 pandemic for at least 6 to 12 months.

Under the legislation, the NSW Planning Minister can authorise development to be carried out on land in order to protect the health, safety and welfare of the public during the COVID-19 pandemic without the need for any approval under the Act or consent from any person.

Orders made by the NSW Planning Minister will have effect regardless of any environmental planning instrument or development consent. This means that decisions made by local councils, independent planning panels or even regional planning panels can be overruled by the Planning Minister to protect the health, safety and welfare of the public. The orders are to be gazetted will be kept in place until the crisis is over, and reviewed as new issues arise.

Decisions about the future character of LGAs should be determined by local communities, not judges appointed to the Land & Environment Court (Court). Allowing the Court to decide on matters of policy undermines the democratic rights of ordinary people to have a say on the future of their local area. The Court in dealing with appeals to DAs is primarily arbitrating on the application of development standards set by the LEP. In the case of rezoning, it would be acting as the policy maker. A system allowing appeals against zoning decisions would be unwieldy and would likely result in precedents occurring on a piecemeal basis which could cumulatively translate into wholesale changes to the character of an area thereby eroding the intent of a Council's LEP.

Changes to the powers of the Independent Planning Commission, Local and Regional Planning Panels, The Land and Environment Court and the introduction of the Accelerated Assessment Program have significantly reduced the ability of communities to have a say on contentious developments in NSW.

## **Wollongong City Council**

## **Planning proposal appeal rights to Land and Environment Court**

That Local Government NSW writes to the NSW Minister for Planning and Public Places with the request to:

1. Not proceed with the introduction\* of appeal rights to the Land and Environment Court for planning proposals;
2. Investigate other system improvements to streamline the review process for planning proposals, including Parliamentary Counsel Office processes, agency referrals and higher benchmarks for planning proposals; and
3. Ensure that the cost of those proceedings be met by the NSW Government as the primary advocate for the planning proposal, should a new classification of planning appeal be introduced.

### **Note from Council**

The Government is proposing to introduce a new classification of planning appeal in the Land and Environment Court for planning proposals rejected at the Gateway determination stage.

There is no apparent data to suggest that the current rezoning review process is failing, and the local government sector has significant questions about how the proposed appeal process will work. There is concern in the sector that the reform will expose councils to the uncertainty and cost associated with defending rezoning decisions in court. It is also likely to undermine the general approach to strategy led zoning decisions and may encourage spot re-zonings.

\*The recommendation to be changed to 'repeal the introduction' should this reform proceed prior to the conference.

## **Wingecarribee Shire Council**

## **Review of Planning Policies that threaten residential amenity**

That Local Government NSW lobbies the Department of Planning, Industry and Environment to urgently review various planning policies that threaten the amenity and heritage significance of the State's rural and regional towns and villages from developments such as seniors housing, aged care facilities, health service facilities, boarding houses and the new 2020 Low Rise Housing Diversity Code.

### **Note from Council**

Council is coming under increased pressure from developers seeking approval for higher density residential accommodation and non residential development in low density residential areas. The types of developments in question include developments under:

- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004,
- State Environmental Planning Policy (Infrastructure) 2007, specifically for Health Care Facilities,
- State Environmental Planning Policy (Affordable Rental Housing) 2009, specifically for Boarding Houses,
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifically for Low Rise Housing Diversity Code

Council is receiving large 'metropolitan/city' scale development proposals in locations which are not considered suitable for such developments due to town/village character of regional locations and the intactness of neighbours and streetscapes which have heritage value. Whilst a similar scale development in a suburb of metropolitan Sydney may have minimal amenity impact on the neighbourhood and suburb, the same scale of development in a country town or village can impact the character of the whole town/village setting.

In addition to the amenity issues, many rural and regional locations lack the necessary social and critical infrastructure such as water and sewer, pedestrian connectivity and public transport to meet such demands. This places substantial pressure on councils to fund infrastructure improvements.

Council is also concerned that such developments, particularly large developments, collectively alter the demographics of an area in some cases quite dramatically as well as the character of the area particularly in terms of dwelling densities.

The one size fits all approach of Statewide Planning Policies permitting certain developments in LEP zones irrespective of where in the State is not appropriate and a new approach of Metropolitan Planning Policies and Regional/Rural Planning Policies must be implemented going forward which reflects the distinction between Metropolitan and non-Metropolitan planning.

**59 Penrith City Council****Review the diminishing powers of Councillors**

That Local Government NSW advocates to the NSW Government addressing the issue of diminishing powers of Councillors in local government specifically through the introduction of several new bodies created by the NSW Government to replace the functions of council.

That Local Government NSW also specifically advocates the return of the power of determination of development applications with a dollar value of less than \$5 million, to local councils in the Sydney and Wollongong areas.

**Note from Board**

The second part of this motion may conflict with existing LGNSW policy, which calls for the return of power of all determination of development applications to councils regardless of the value of development.

**Note from Council**

Certain powers, previously executed by Councillors on matters relating to LGAs and the community have been transferred to newly established authorities such as but not limited to:

- Greater Sydney Commission
- Western Parkland City Authority
- Local Planning Panels

This overlooks the expertise, experience and representation of Councillors who are intrinsically linked to their community. As a result, there is an erosion of representation by Councillors when making decisions on matters relating to its LGA and the community they serve.

Penrith City Council is urging LGNSW to advocate on behalf of local councils, to review the roles of Councillors and the limitations hindering their powers to carry out their work.

**60 Mosman Municipal Council****Changes to Local Planning Assessment Panels**

That Local Government NSW lobbies the NSW Government to support existing well-functioning Local Assessment Panels and allow Panel Chairs, in conjunction with councils, to establish their own thresholds for matters to be referred to the Panel, and processes for public determination of matters and remove the expectation that Panel Chairs can direct council on development application timing.

**Note from Board**

This motion may conflict with existing LGNSW policy which opposes the role of Local Planning Panels unless they are established by a decision of the council.

**Note from Council**

Mosman Council established a Local Independent Planning Assessment Panel in 2012. The Panel, chaired by the Hon. Paul Stein AM QC, has determined over 700 DAs in Mosman. The function and delegation of this panel has been refined on the basis of professional advice and community feedback and is respected by the Council and the broader community.

The recent NSW Government August 2020 decision to mandate a blanket one size fits all model for all Assessment Panels across the state not only erodes the hard work of the Panel members but erodes the confidence of the planning system as a whole. Of note is the decision to reduce the threshold of matters requiring the determination of the Panel.

**61 Central Coast Council****Local Planning Panels**

That Local Government NSW:

- a. Reaffirms its position that “the establishment and role of Local Planning Panels (LPPs) to remain a decision of the council – adoption of such independent panels by councils should be voluntary not mandatory”.

- b. Makes representation to the NSW Minister for Planning and Public Spaces and the Premier of NSW, to express its concern in relation to the change to the operations of NSW Planning Panels for the reasons noted below:
  - i. Requiring Panels to make determinations within 2 weeks of being provided an assessment report
  - ii. Provides no flexibility in scheduling were a Panel has a significant number of proposals for determination.
  - iii. This could reduce the Panel's ability to apply proper due diligence to each case or obtain expert opinion.
  - iv. Changes to the system of referrals of matters to LPPs may increase the risk of corruption
  - v. Allowing, at the Chair's discretion, applicants to attend a briefing, along with council staff, could remove the Panel's independence. The Panels were set up to be independent of the internal workings of councils, not working with them and applicants.
  - vi. The setting of timeframes to finalise determinations may impose undue pressure on councils.
  - vii. Removing the requirement for modification to go back to the Panel will encourage ongoing modification instead of the community getting what is exhibited in the first place.
  - viii. The inclusions of "targets" will put an emphasis on pushing approvals through rather than due diligence in assessment.
  - ix. The changes impose unreasonable and unrealistic demands on councils that require additional resourcing that is not funded.
  - x. The changes weaken planning processes, the integrity of the planning system and community confidence in planning.

### Note from Council

The Minister for Planning and Public Spaces, the Hon. Rob Stokes, recently announced changes to the operations of Local Planning Panels that took effect on 1 August 2020 including:

- require panels to make determinations within two weeks of being provided an assessment report
- require panels to hold a public meeting only where the DA has attracted 10 or more unique submissions by way of objection
- allow, at the chair's discretion, applicants to attend a briefing, along with council staff, to explain complex matters or present confidential or commercially sensitive material
- oblige panel chairs to work with council to ensure key issues are addressed during assessment in order to minimise deferrals by the panels at determination stage
- require the panels to provide reasons for deferring a decision and set timeframes in which any additional information must be provided in order to finalise the determination
- give panel chairs the ability to require council to report a DA to the panel within four weeks for determination if the application has experienced unreasonable delays in excess of 180 calendar days from lodgement.

### 62 Randwick City Council

### Review of housing supply targets

That Local Government NSW makes an urgent request to the NSW Planning Minister to consider the findings of the Federal Government's National Housing Finance and Investment Corporation (NHFIC) report and consider the projected decreases in population growth and housing demand brought about by the COVID-19 pandemic when planning for housing growth in NSW.

### Note from Council

The research report by NHFIC – COVID-19: Australia's population and housing demand – found that the global pandemic could cut underlying dwelling demand in Australia by between 129,000 and 232,000 from 2020 to 2023, mainly due to the downturn in net overseas migration (NOM). International border closures have effectively shut down net overseas migration, which has accounted for 59% of population growth since 2007.

In addition, the Minister for Planning and Public Spaces has confirmed via letter to Ku-ring-gai Council that councils are ultimately responsible for deciding the number of dwellings in their local housing supply targets and how they are accommodated within the LGA. Targets discussed with the Greater Sydney Commission are not a legal requirement upon councils by the NSW Government.

- <https://www.smh.com.au/politics/federal/housing-demand-to-collapse-as-population-growth-falters-20200918-p55x2t.html>
- <https://www.nhfc.gov.au/media/1407/20200921-covid-19-australias-population-and-housing-demand.pdf>
- [http://www.kmc.nsw.gov.au/Your\\_Council/Organisation/News\\_and\\_media/Latest\\_news\\_-\\_media\\_releases/NSW\\_Planning\\_Minister\\_says\\_no\\_legal\\_requirement\\_to\\_meet\\_Greater\\_Sydney\\_Commission\\_housing\\_targets\\_in\\_Ku-ring-gai?fbclid=IwAR31x5B17RXOD\\_1iu-K0fk8OROrnpuT9im-d\\_bCk8mqhf6SfWOiFneGRV60](http://www.kmc.nsw.gov.au/Your_Council/Organisation/News_and_media/Latest_news_-_media_releases/NSW_Planning_Minister_says_no_legal_requirement_to_meet_Greater_Sydney_Commission_housing_targets_in_Ku-ring-gai?fbclid=IwAR31x5B17RXOD_1iu-K0fk8OROrnpuT9im-d_bCk8mqhf6SfWOiFneGRV60)

### **63 Bayside Council Proposed State Environmental Planning Policy - Housing Diversity**

That Local Government NSW:

1. welcomes the proposed State Environmental Planning Policy (SEPP) - Housing Diversity that is being considered by NSW Government as set out in the Explanation of Intended Effects (EIE); and
2. advocates for the following:
  - a. Support be provided for the introduction of new definitions as set out in the EIE for build to-rent, co-living and student housing.
  - b. Support be provided to remove the requirement for boarding houses to be mandated within the R2 Low Density Residential Zone, to amend the floor space ratio (FSR) bonus for boarding house development to a standard 20% and to include a requirement that boarding house developments are affordable.
  - c. That build-to-rent not be permissible in the B3 Business Core and that strata subdivision of build-to-rent be prohibited in perpetuity in all zones.
  - d. That the development standards in a Local Environmental Plan prevail to the extent of any inconsistency with the SEPP.
  - e. That the Apartment Design Guide (ADG) apply to build-to-rent, co-living, boarding houses and student housing.

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

#### **Note from Council**

The EIE for the proposed SEPP - Housing Diversity was released for comment by the Department of Planning, Industry and Environment in August 2020.

The aims of the proposed SEPP, as set out in the EIE, are largely welcomed, being to:

- a. Introduce new definitions for build-to-rent housing, co-living and student housing.
- b. Amend some state-level planning provisions, particularly for boarding house and seniors housing development, including amending the definition of boarding houses to ensure that boarding houses are affordable.
- c. Amend some state-level planning provisions to support social housing developments undertaken by the NSW Land and Housing Corporation (LAHC) on government-owned land.
- d. Consolidate three housing-related SEPPs:
  - SEPP (Affordable Rental Housing) 2009
  - SEPP (Housing for Seniors and People with a Disability) 2004
  - SEPP No 70 – Affordable Housing (Revised Schemes).

The development of New Generation Boarding Houses in low density residential areas has been of concern to many councils since the introduction of the SEPP (Affordable Rental Housing) in 2009. Issues have included mandating:

- the development in the R2 Low Density Residential Zone,
- the number of rooms in developments,
- the bulk and scale of the development, and
- that they do not deliver affordable rental housing as the SEPP intended yet they are still gaining bonus FSR as an incentive.

The proposed SEPP will address many of these concerns by requiring boarding houses to be

affordable, to be managed by a registered not-for-profit community housing provider, to not be mandated within the R2 Low Density Residential Zone and by reducing the bonus FSR available to a maximum of 20% (only where residential flat buildings are permitted) to reduce the bulk and scale of the development. Also welcome is the proposal for the development standards within a Council's Local Environmental Plan to prevail over the SEPP where there is an inconsistency. In relation to other development types, the mandating of build-to-rent within the B3 Commercial Core is not supported as this will detract from the intent of that zone as a commercial centre with residential accommodation prohibited.

Subdivision of build-to-rent developments should be prohibited in perpetuity in all zones where they are permissible. This will ensure that dwellings will remain available for long term leases as an alternative housing product in perpetuity. In relation to design, it is considered that the ADG should apply rather than separate design guidelines being prepared.

#### **City of Parramatta**

#### **Proposed Housing Diversity SEPP**

That Local Government NSW advocates to the NSW Government to remove the provisions from the proposed Housing Diversity SEPP, as outlined in the Explanation of Intended Effect (EIE), that seek to increase the Land and Housing Corporation's powers to self-assess their development applications, and those that seek to amend the current requirements for designating a Land and Housing Corporation major project as state significant development (SSD).

#### **Note from Council**

The NSW Government released the EIE for a new proposed Housing Diversity SEPP on 29 July 2020. The SEPP includes many provisions that are of concern to councils, and in particular, a suite of provisions that seek to allow the Land and Housing Corporation (LAHC) to override local government's planning authority through self-assessment of their development applications.

There is a fundamental conflict of interest in allowing these changes, as LAHC is both a developer and an approver of their own developments under these proposed provisions. Further, councils have a mandate to act in the interests of their community, and to properly assess development on its merits.

The proposal to streamline LAHC's ability to designate its major projects as state significant development (SSD) also undermines local government's ability to ensure good built form and design outcomes via their development control plans (which SSD does not have to adhere to), and undermines the negotiation of voluntary planning agreements that are often necessary to ensure adequate public benefit is realised as part of large-scale projects.

#### **64 Mosman Municipal Council**

#### **Payments to council Contribution Plans by developers**

That Local Government NSW lobbies the NSW Government to urgently review the decision to allow the deferral of payments for local council Contributions Plans by developers.

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

#### **Note from Council**

The recent decision by the NSW Government to allow developers to defer the payment to contribution plans has created a large risk in the ability for councils to fund and deliver on required open space projects. The need for these projects is highlighted in numerous NSW Government objectives and the delivery arm for this is local councils.

Allowing developers to defer these payments could see phoenix operators disappear upon completion of their work leaving councils exposed. The state of the Private Certification industry, already under review by the Government further erodes confidence that there are adequate measures in place to reduce this risk.

#### **Lane Cove Council**

#### **Environmental Planning and Assessment (Local Infrastructure Contributions – Timing of Payments) Direction 2020**

That Local Government NSW lobbies the NSW Government to re-examine the Ministerial Direction that defers payment of section 7.11 contributions and consider introducing a pathway for councils to apply for an exemption in certain circumstances to support the timely collection of funds and delivery of infrastructure. This

would involve considering a process where a council that is collecting monetary contributions for infrastructure that directly relates to an individual development (e.g. funds to acquire land for a park in the immediate neighbourhood) can apply to the Minister for Planning and Public Spaces for an exemption that allows it to continue to collect payments at the Construction Certificate stage rather than upon the issuing of an occupation certificate.

#### **Note from Council**

Council recognises that the Minister's Directive is designed to reduce the development funding burden on developers by delaying the payment of s7.11 contributions until the end of the construction process. However, unless its implementation is revised to give councils greater flexibility, the proposed deferral of these payments until occupation certificate (OC) stage could result in funding shortfalls and the perverse outcome of ultimately deferring council expenditure on the infrastructure which is needed to support new development. When an owner occupies a building, there is a hierarchy of supporting infrastructure for the occupant, some of which is expected to be in place immediately upon occupation. As an example, public open space is vitally important for high density areas and delaying the ability to acquire and embellish new open space until developments are complete (because of a funding shortfall), means there will be a delay of years before it is in place, impacting significantly the amenity of residents in the meantime. Such an exemption process could include provisions binding the council to meet a delivery timetable upon collection of the required amount of s7.11 funds.

#### **65 Willoughby City Council**

#### **Developer contributions**

That Local Government NSW calls on the NSW Government to:

1. Support the use of 'value capture' as a means of allowing councils to apply a proportion of the value uplift gained from changes in planning controls to the provision of public infrastructure for the benefit the wider local community.
2. Establish a new threshold for Section 7.11 contributions under the Environmental Planning and Assessment Act to be set at \$45,000 before the IPART review process comes into play.

#### **Note from Board**

Part 2 of this motion seeks to establish a new \$45,000 threshold for s7.11 contributions before the IPART review process comes into play. Therefore, if carried this motion may negate existing position 6.8 in the LGNSW Policy Platform which calls for the removal of the cap on development contributions.

#### **Note from Council**

The NSW Government's Infrastructure Contributions Reform Package is sponsored by the NSW Department of Planning, Industry and Environment and the NSW Productivity Commissioner is undertaking a holistic review of the infrastructure contributions system. The current contributions system has been in existence since 1989 and the last major reform of the system dates back to 2005.

DPIE sought feedback on a package of discussion papers released on 15 April 2020.

A submission has been made outlining the concerns and impacts of the proposed reforms on Willoughby City Council which likely also affect other councils across the State.

#### **66 Blacktown City Council**

#### **Time taken to review Section 7.11 contribution plans**

That Local Government NSW urgently calls on the NSW Government to reduce the process time taken to review Section 7.11 contributions plans.

#### **Note from Council**

Prior to the implementation of reforms in 2010 involving the assessment of Section 7.11 developer contributions plans by IPART, councils could complete a review of a Section 7.11 developer contributions plan, within around 3-4 months. Experience of recent reviews (through the IPART assessment process) is that the time taken to complete a review of our major contributions plans now averages around 18 months and has taken as long as 24 months. This means that the revised contribution rates that the council relies on to fund and deliver infrastructure can be up to 24 months out of date before they can be implemented.

Council considers that that provided the increase in land values is no greater than the actual movements experienced by Council over the review period, then the review time taken by both IPART and the NSW Department of Planning, Industry and Environment combined should not exceed 6 months. In an economic environment where land acquisition prices can escalate as much as 30% per annum, while the applicable CPI rate permitted to use in indexing contributions averages around 2.5% per annum, the lengthy review time has a considerable negative impact on a contributions plan's long-term viability. The current process of assessment by IPART aims to give developers confidence that the estimated costs in a contributions plan are reasonable. However, when the process takes many months or even years to run its course, councils and communities are penalised with a process they have no control over. Developers also have no idea what the ultimate contributions will be for their developments, which affects the feasibility of future projects.

## **67 Lismore City Council**

## **Local Activation Precincts**

That Local Government NSW:

1. Supports the establishment of:
  - a. a \$10 million (minimum) to be allocated to a 'Business Ready Fund' to support the development of the Local Activation Precincts (LAP) initiative across regional cities;
  - b. strong planning agency involvement through undertaking detailed land use, master and infrastructure planning within an LGA, with the possibility of joint procurement of studies in collocated sites; and
  - c. an LAP Project Control Group that must include local government representatives to ensure collective decision-making.
2. Requests the NSW Government to:
  - a. commit to 2 rounds of the LAP program (total of 8 LAPs);
  - b. commit to the establishment of LAPs in regional cities only for the first 2 rounds;
  - c. Round One being an ongoing transparent assessment, at key milestones suggest communiqué (for every part of the implementation process);
  - d. Round Two being initiated again at implementation Stage 7 (approvals stage of the Government's process) of first round;
  - e. establish LAPs based on a local government area's endowments to attract major employers, drive local economies and create a diverse range of local jobs by working with local council;
  - f. ensure any LAP sites selected have a process to identify if the connecting road will need reclassification (as per regional roads panel); and
  - g. ensure that adequate engagement is undertaken across agencies to facilitate delivery of outcomes as quickly as possible.

### **Note from Council**

Sydney has been at the forefront of this unplanned growth, with the city now in the middle of a congestion and productivity crisis that is costing the State's economy \$5.5 billion per year.

Regional cities are only home to 12% of the State's population however have room to grow and the right level of scalable infrastructure required to support a growing business sector and population base.

## **68 Federation Council**

## **Funding for strategic land use planning**

That Local Government NSW requests the NSW Government to develop a strategy that would create a smaller scale version of the Special Activation Precincts to enable smaller towns to attract infrastructure funding to enable larger scale industrial subdivisions to occur to generate further employment/business.

### **Note from Council**

This seeks to create a smaller scale version of the NSW Planning Special Activation Precincts. This would enable smaller towns an ability to more effectively complete strategic planning, to attract funding to enable larger scale industrial subdivisions to occur to generate further employment/business.

This could also allow those smaller populated councils/towns adjacent to larger city councils, to provide opportunities for heavy industry and other agricultural related industry, more effectively, where those industries are not always suited to the larger cities, who are more suited to residential and commercial (compatible) growth. This would also allow the region to grow sustainably.

#### **69 City of Canterbury-Bankstown**

#### **Liveable Housing Design Guidelines**

That Local Government NSW advocates for the NSW Government and Federal Government to:

- a. Support the inclusion of the Liveable Housing Design Guidelines in planning and building rules.
- b. Develop a search engine for dwellings certified as complying with the Liveable Housing Design Guidelines, and to make this information available at the point of sale.

#### **Note from Council**

Many Australians want to grow old at home with family and friends. However, finding a home that meets the changing needs of people across their lifetime is challenging. Currently, there is no requirement for new freestanding homes to cater for our diverse community of seniors, people with disabilities, and those living with the support of their loved ones. Accessible homes should be the expected, not the exception, and so all homes should be easy to live in and for all people to visit, regardless of their mobility level.

Australia should be a world leader when it comes to accessible homes. A good example is the National Liveable Housing Design Guidelines, which seek to promote accessible homes with a key focus on enhanced liveability. However, the implementation of the guidelines is discretionary, and many authorities continue to apply the Adaptable Housing Australian Standard, which is outdated.

#### **70 Nambucca Valley Council**

#### **Unlawful Development**

That Local Government NSW lobbies the NSW Government to amend:

- 1 Part 15 of the Environmental Planning and Assessment Regulation 2000 to include a provision which enables a fee to be charged for a development application which seeks approval for the use of an unauthorised development that is at least the combined development application and certification work fees that would be payable for the same development if it had been commenced lawfully.
- 2 Section 7.12 of the Environmental Planning and Assessment Act 1979 to enable a condition to be imposed within a development consent that requires the applicant to pay a levy of the percentage of the value of the unauthorised development which the consent permits the continued use of.

#### **Note from Council**

Under current legislation and regulations there is a disparity in the costs relating to obtaining approval for unlawful development compared to undertaking development in accordance with a development consent. This results in it being cheaper to undertake development without consent and seek approval for it at a later date than to get approval first. The costs referred to are development application fees and s7.12 developer contributions.

The reason for the disparity is that when seeking approval for unlawful works, approval can only be given for the use of those unlawful works. The works themselves will technically always be unlawful. The EP&A Regulation 2000 sets maximum fees payable for development applications, with the fees payable for works (building work, earthworks, demolition) based on the estimated cost of the works, while the use of land/building is a base fee. The same applies to s7.12 contributions in that they are only payable if the proposed cost of carrying out the development exceeds \$100,000. Given an application to continue to use a building does not have a cost associated with it, they can't be applied.

In addition to this, there is no certification work (inspections/Construction Certificate/Occupation Certificate) associated with unlawful development as the works have been done.

**71 Wollongong City Council****Reclassifications of council owned land**

Local Government NSW writes to the NSW Minister for Local Government to request that the reclassification of council owned land be delegated to council for determination and finalisation except when seven or more objections have been received during the exhibition of the proposed reclassification.

**Note from Council**

The Local Government Act 1993 requires council to classify all council owned land as either “Operational” or “Community” land. Reclassification from one classification to another currently occurs through an LEP process. The requirement for NSW Department of Planning, Industry and Environment to finalise reclassification and draft LEP amendments causes unnecessary delay and red tape. This motion seeks to streamline that process by delegating the final reclassification decision and process to council, except when there have been seven or more objections received from the community.

**72 Shoalhaven City Council****Public housing redevelopment as economic stimulus**

That Local Government calls upon the NSW Government to redevelop old existing public housing stock to address current housing shortages and to act as economic stimulus for the regions.

**Note from Council**

Access to social and affordable housing continues to be an issue in various areas throughout NSW, including Shoalhaven, and is likely to be exacerbated as the outcomes from the COVID-19 pandemic continue to emerge. Currently governments are also looking at ways to help stimulate the economy and create employment. Whilst the NSW Government has committed targeted stimulus funding to various location to deliver maintenance works and upgrades on public housing properties, more significant opportunities exist to provide additional much needed social/affordable housing throughout NSW via the redevelopment of existing underutilised public housing stock and create significant employment opportunities.

Survey information recently released by the Community Housing Industry Association indicates that not for profit housing providers Australia wide have projects ready to go that could deliver 12,500 new homes and almost 7000 jobs within the next 5 years. More than 6,000 of these new homes could commence construction within the next 6 months. One third of the potential projects are in regional areas and in areas where local communities would benefit greatly from this form of stimulus created by growing construction related jobs and the additional housing opportunities.

**73 Liverpool City Council****Sustainable housing development**

That Local Government NSW advocates to the NSW Government to amend the State Environmental Planning Policy (Exempt and Complying Development Codes) to limit housing developments to cover no more than 40% of block size in urban developments excluding secondary dwellings.

**Note from Council**

The setback and site coverage controls in the Housing codes do not provide adequate area for vegetation and outdoor living. As houses have grown larger, and land parcels smaller, most houses are built to within 3m of the rear boundary, however 3m is the minimum distance that trees should be planted from a dwelling to avoid structural damage. Given that increased canopy cover is recognised as being needed to cool urban environments, most urban stormwater systems are designed assuming low density housing will have larger areas of pervious surfaces, and given consumer preferences for large houses and paved outdoor living areas, the controls within the SEPP should be reviewed.

It is recommended that the maximum site coverage control be limited to 40% of the lot area. This will allow for housing designs to take advantage of block characteristics, and would also encourage the construction of two storey homes for smaller blocks, which is a more efficient use of limited land.

That Local Government NSW requests the NSW Government to amend the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to ensure that large scale earthworks on rural properties cannot be undertaken without a full development assessment process to properly consider and condition potential environmental, social and traffic impacts.

### Note from Council

Wollondilly Council has serious concerns about the extent of significant earthworks being undertaken without adequate approval processes and regulatory oversight within the Wollondilly Shire. It is understood this is a problem shared by other rural areas within Greater Sydney and across NSW.

Wollondilly Council recognises the need to reduce red tape and unnecessary bureaucracy in approval processes for minor and low risk development. However, it is our experience that the Complying Development SEPP has facilitated extensive earthworks that have had devastating environmental and social impacts. The purpose of this motion is to raise these concerns with LGNSW members and to recommend to the NSW Government that the current provisions be scaled back to ensure robust assessment and appropriate environmental controls.

At its Ordinary Council meeting on 21 April 2020, Wollondilly Council resolved as follows:

1. That Council write to the Minister for Planning and Public Spaces to amend the relevant Code SEPP (Exempt & Complying Development Codes) 2008 to:
  2. give Council the ability to oversee complying development certificates approved by private certifiers.
  3. ensure that development applications be required for any works requiring 100 cubic metres or greater of imported fill, that is to limit the amount of fill that can be imported to a landholding area under the Code SEPP. (Audit reports to be submitted and provided to the local authority (Council) for all fill to ensure that fill is VENM (virgin excavated natural material), including on-going and updated reports on full chain of custody during the importation of fill).
2. That a copy of this letter be forwarded to the local member for Wollondilly N Smith MP.
3. That Council consider a motion to the next LGNSW Conference.

By way of background, a number of factors have contributed to the increase in incidences of the importation of significant amounts of fill material to many sites within Wollondilly, including:

- the accessibility from major State infrastructure projects; for example, Campbelltown Hospital and road construction sites such as the M5 extension and M9;
- consents that are able to be issued under the Code SEPP (Exempt & Complying Development) 2008 as “Complying Development”;
- the profit margin available to operators, particularly those who have the ability to transport and receive significant amounts of fill on land within the Shire;
- under the Code SEPP, the absence of an on-going requirement to provide and prove, during the life of the project that the imported material is in fact VENM (Virgin Extracted Natural Material), substantiated by ‘chain of custody’ reports; and
- under the Code SEPP the absence of a requirement to have in place an approved Traffic Management Plan for the transportation of significant amounts of fill.

Council has been inundated with complaints from members of the community who are concerned with the considerable environmental and social impacts of significant earthworks on rural properties approved by private certifiers under the Codes SEPP, including the compromised safety of road users because of the number of earthmoving trucks entering and leaving the site without a traffic management plan.

Specific amendments to the Exempt and Complying Development Code recommended for farm buildings are to:

- reduce the total area that can be filled (currently 50% of the landscaped area of the lot to a maximum of 150mm);

- amend the quantity of fill that can be imported (currently no limit of fill for the footprint of the building);
- require the submission of audit reports for all fill to ensure that fill is VENM, including on-going and updated reports on full chain of custody during the importation of fill to be provided to the local authority (Council);
- require that farm sheds can only be approved for legitimate and bonafide existing farming activities; and
- require the submission of a Traffic Management Plan if fill is to exceed 250 m<sup>3</sup>.

## 75 City of Parramatta

## Statewide Planning Portal

That Local Government NSW advocates for the NSW Government to consider and implement new options for NSW councils to notify the public, enhancing efficiency and ensuring consistency across councils.

Further, that this include advocating for the introduction of a state-wide notification website to ensure all information that is required to be advertised by councils, local and state planning panels, including information formerly required to be advertised in print media, can be found in one centralised location.

### Note from Council

Recent changes to the public notice requirements for councils for planning matters, i.e. Development Applications (DAs), Planning Proposals (PP) etc, and the cessation of print versions of local papers, means new options should be investigated to ensure communities are being effectively and efficiently, but also consistently, notified across the state of what is happening in their communities.

This could be through expanding the capabilities of the existing NSW Government Planning Portal website ([www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au)) and requiring councils to upload details of DAs, PPs etc. to this website, creating a central listing of all planning applications across the State.

It would also provide increased awareness of DAs in neighbouring council areas that share communities of interest, and save residents from needing to search multiple council websites for DA details should they be unsure which LGA an address or location falls into.

Privately managed websites of a similar nature currently exist, including [www.planningalerts.org.au](http://www.planningalerts.org.au), which allows for users to sign up to an alert based on a registered address, resulting in e-mail notifications when any new planning application is lodged in the surrounding area.

While these private sites exist, communities would benefit from a centralised, consistent and NSW Government managed site, in partnership with local government, for the delivery of this information. The NSW Government, in partnership with local government, has an opportunity and responsibility to address the changing communications landscape and the rise of digital communications to deliver information, conduct transactions and engage in community building and collaboration, particularly in relation to planning matters.

## 76 Lake Macquarie City Council

## Integration platform for Planning Portal

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

### Note from Council

In June 2020, the NSW Government passed amendments to the Environmental Planning and Assessment Amendment (Planning Portal) Regulation 2020 (the Regulation). The amendment makes the use of the NSW Planning Portal mandatory for the lodgement of certain planning applications, the assessment of those applications, as well as the issue of any relevant consents and complying development certificates. There is currently no integration between many councils' document management and application systems and the Departments ePlanning services portal. To

date, there has been no offer from the NSW Government to assist councils with the cost to integrate these systems.

As of 31 December 2020, 68 councils will no longer be able to accept planning applications via their website and all applications will only be accepted via the ePlanning services portal. From 1 January 2021, all 128 NSW councils will be required to commence using ePlanning digital services. The ePlanning services portal will improve the experience for the customer, however, there is concern the cost of integrating this service will be worn by the rate payers of LGAs and not funded through the NSW Government. The NSW Government has developed a platform that does not integrate with councils' established technology but has transferred the costs of operating under this system to local government.

#### **77 Hornsby Shire Council** **Amendment to Clause 263 of the EP&A Regulation 2000**

That clause 263 of the Environmental Planning and Assessment Regulation 2000 be amended to include the following additional clause (7) - A council may impose a compliance levy of 0.2% of the Capital Investment Value of a proposed development with a minimum levy of \$75 payable on all development and complying development applications upon lodgement of an application in the NSW planning portal.

#### **Note from Council**

Following the introduction of private certification into the market place, there is a community expectation and legal responsibility under the EP&A Act that councils will continue to investigate and, where appropriate, take enforcement action for a wide range of land use planning compliance matters, including:

- Non-compliance with conditions of development consent.
- Variations from the approved plans.
- Pollution incidents.
- Poorly-maintained structures to prevent soil erosion.
- Poorly maintained tree protection barriers.
- Roads and paths blocked by trucks or skip bins.
- Hoardings and cranes.
- Development that does not comply with a consent.
- Building disputes.

The cost of councils providing officers to investigate and resolve these types of issues is significant and cannot be recovered by issuing cost compliance notices, fines or court action. To ensure that the regulatory regime that follows the approval process is properly monitored, it is appropriate that a compliance levy of 0.2% of the Capital Investment Value of a proposed development be charged on each development application with a minimum levy of \$75 on all applications. This fee would generally cover full cost recovery for council compliance work.

The charging of a levy is the most cost effective way of ensuring strong regulation is achieved. Issuing cost compliance notices, fines and initiating court action to recover costs involves additional administration resources, which cannot be recovered.

#### **78 MidCoast Council** **Manufactured Homes Estate definition**

That Local Government NSW lobbies the NSW Government to add the definition of a "Manufactured Home Estate" in the Standard Instrument – Principal Local Environmental Plan.

#### **Note from Council**

MidCoast Council has received a number of DAs and had on-going interest from developers interested in establishing Manufactured Home Estates. These are both for new developments and conversion of short-term sites in existing caravan parks to long-term sites for the placement of manufactured homes.

As this use is not separately defined in the Standard Instrument – Principal Environmental Plan, the use either is considered under Council's LEP as a caravan park (if it has at least 1 short-term site),

multi-dwelling housing or an innominate use in an 'open' zone. Alternatively they are considered under State Environmental Planning Policy No 36 – Manufactured Home Estates, where a caravan park is permitted.

This use is fundamentally different to the other uses under Council's LEP under which it can be considered. This provides confusion to our community in that they do not know whether one is permissible in their zone, particularly where a low density residential zone permits caravan parks and hence Council receives an application for a medium density development in a low density zone. Existing and future residents have an expectation of the type of development that can be established in their neighbourhood or street and it is essential that our community is provided with more certainty in regard to this use.

The confusion over where this type of development is permitted can easily be rectified by the NSW Department of Planning and Industry (DPIE) by inserting a new definition for this use in the Standard Instrument – Principal Environmental Plan. This will also enable DPIE to rescind SEPP No. 36 as it would no longer be required.

## **79 Singleton Council**

## **SSD and/or SSI assessment process**

That Local Government NSW lobbies the Department of Planning, Industry and Environment to support local councils in the provision of advice into the State Significant Development (SSD) and/or State Significant Infrastructure (SSI) assessment process through the:

- a. Inclusion of fees for the reasonable costs incurred by a council for the review of SSD and SSI in the schedule of fees listed in Part 15, Division 1AA and/or Division 2 of the Environmental Planning and Assessment Regulation 2000; and
- b. Establishment of a council inter-agency committee to assist and support local councils in the provision of advice into the assessment process.

### **Note from Council**

Singleton Council has a long history of SSD within the LGA. With over 40 years of mining history, Council has also dedicated significant resources towards reviewing, assessing, providing advice and working with Government to affect change in mining and mining related policy. Singleton Council has done this with limited access to resources (people, financial, time) to dedicate to the comprehensive review of lengthy Environmental Impact Statements to enable grassroots community related issues to be raised. Over the last two years, Council staff have assessed 13 separate projects at various stages of the assessment, with an estimated royalty payable to the State of \$1.2 billion and an estimated capital investment value of over \$1 billion. Council's assessments identify deficiencies in impact assessment as well as government policy related to post mining land uses, amenity impacts, contributions to compensate for impacts and the social and economic consequences of mining on community development. Council has advocated alongside the assessment process for greater transparency and improved planning on these matters.

The Department of Planning, Industry and Environment collects a range of fees under the Environmental Planning and Assessment Regulation 2000, including fees for SSD/SSI, planning reform and referral to the Independent Planning Commission. The planning reform fee recovered from the SSD projects in the Singleton LGA over the past two years is estimated to be \$736,000. Council costs associated with the provision of advice into the SSD/SSI assessment process include staffing and consultants (where specialist advice is required). Council's role in the assessment process is an important one that cannot be under-estimated. Councils, particularly those located in rural and regional areas where concentrated SSD and SSI takes place, are limited in their capacity to resource these assessments, support advocacy and seek improved outcomes for communities. Support from the NSW Government, through legislative application of reasonable cost fees, would go a significant way to assisting councils in continuing to provide valuable advice on SSD/SSI applications.

**80 Federation Council****Essential Energy and Origin Energy**

That Local Government NSW requests the NSW Government to intervene and ensure more effective mechanisms exist to achieve more timely approvals and works from both Origin and Essential Energy to support developments.

**Note from Council**

Council and is aware that it affects many councils, experiences significant delays, adding costs to development, in relation to dealing with Essential and Origin Energy.

New developments in relation to both design and connections, in relation to both gas and electricity, are often hindered.

**81 Shellharbour City Council****Ability for councils to mandate BASIX provisions**

That Local Government NSW asks for the NSW Government to enact changes to BASIX which would allow councils to mandate certain BASIX provisions, determined by the council, in new developments. Such provisions may include shading over west-facing windows, solar panels and full in-wall and ceiling insulation.

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

**Note from Council**

The delivery of housing stock across the state is done in a variety of different environments and in a variety of different circumstances. Some LGAs are providing predominantly green fields developments while others deal mainly with infill. In some areas the afternoon sun can have a great impact on the sustainability of a house while in others at the base of an escarpment this is not an issue. Some development occurs on flood plains and some does not.

Given these variations local government should have the ability to adopt a nuanced approach to BASIX to ensure the greatest environmental outcomes in delivering new housing stock, according to their local conditions.

**Rous County Council****Increase water conservation requirements of BASIX**

That Local Government NSW lobbies the NSW Government to increase the water conservation requirements of BASIX to have a minimum rainwater tank size of 10,000 litres and connected to all toilets, outdoor taps and clothes washing machines (except where approved alternative water supplies are available, such as a connection to recycled water supply scheme).

**Note from Council**

The Building Sustainability Index (BASIX) requirements apply to all residential dwelling types and form part of the development application process in NSW. Since the implementation of BASIX in 2004, the program has significantly reduced water demand. However, BASIX runs the risk of not delivering effective water use reductions into the future, with the improvements to water efficient fixtures and appliances in recent years.

In 2017, the NSW Government announced that the BASIX energy targets will increase. Typically, this increase required a 10% increase for houses and low-rise units, and by a 5% increase for mid and high-rises units. In addition, requirements for the thermal comfort heating and cooling caps also increase.

Unfortunately, since the implementation of BASIX in 2004, the target for water efficiency has not changed. Given the unprecedented drought conditions experienced across our State in 2019 and expected future pressures on our existing water supplies, now is the time to seek a modest but important increase in the water conservation requirements. Having this minimum tank size along with the mandated connections will deliver reductions in water demand for residential dwellings, leading to only small increases in residential construction costs.

## **82 City of Parramatta                      Inclusive community engagement for development applications**

1. That Local Government NSW calls upon the NSW Government to take an inclusive consultation and engagement approach with the community, particularly when seeking submissions on Development Applications which currently requires a written submission be made.
2. Further, that Local Government NSW calls on the NSW Government to encourage councils to investigate technological options to receive submissions to proposals and plans placed on public exhibition from people with disability by way of audio recording or transcription recording.

### **Note from Council**

Council's generally require all submissions related to proposals and plans placed on public exhibition to be submitted in writing.

Communication is one of the most basic needs and rights of all people. When conducting consultation and engaging with stakeholders it is important to include people with a disability. By making a few changes to existing consultation processes, we can obtain the views of people with a disability - the results will be more representative of the wider community.

People with a disability should have as much input into the planning and development of services and activities as other community members. This motion is aimed to bridge the gap and barriers in participation.

Here's some findings from the Australian Bureau of Statistics (ABS) 4430.0 - Disability, Ageing and Carers, Australia 2018, report:

#### *Disability*

- In 2018 there were 4.4 million Australians with disability, 17.7% of the population, down from 18.3% in 2015.
- The prevalence of disability increased with age - one in nine (11.6%) people aged 0-64 years and one in two (49.6%) people aged 65 years and over had disability.
- 5.7% of all Australians had a profound or severe disability.

#### *Older people*

- One in every six Australians (15.9% or 3.9 million people) was aged 65 years and over (up from 15.1% in 2015).
- Half (49.6%) of all older Australians had disability (similar to 2015).
- 1.3 million older Australians living at home needed some assistance with everyday activities, and of these, almost two-thirds (65.9%) had their need fully met (down from 69.2% in 2015).

## Social and community

### **83 Leeton Shire Council**

### **Health services in rural, regional and remote NSW**

That Local Government NSW:

1. Advocates for the Local Health Advisory Committee (LHAC) model to be revised to give local residents a far greater say in the scope and delivery of health services in their local communities.
2. Pursues a formal MOU with NSW Health and Primary Health Networks which provides the basis for collaboration between councils and NSW Health and Primary Health Networks.
3. Makes a submission to the Inquiry into health outcomes and access to health and hospital services in rural, regional and remote NSW.

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

#### **Note from Council**

The gap between health outcomes for regional rural populations and urban areas continues to widen. There is limited formal interagency cooperation between councils and NSW Health at the policy and decision making level to ensure that the resources invested by councils and NSW Health are delivering the best health outcomes for regional communities. This is particularly urgent given the trend in provision of telehealth services.

The role of LHACs in local health planning has diminished significantly over recent years. Nowadays, the main role of the LHAC is to 'sell' Area Health Service (AHS) policies to the local community. The LHACs have little to no input in the development of those policies. This has led to a growing gap between health decision making at the state level and the delivery of health services at the local level. It has also meant that LHACs fail to attract and retain community representatives because members soon realise that they have no real say in the scope and delivery of health services to the community. To this end, the LHAC model needs to be revised or replaced with a responsive Hospital Board model to ensure increased levels of community consultation; full disclosure to local communities; and open, two-way communication between the health service and the communities it serves.

An Inquiry was established on 16 September 2020 to report on health outcomes and access to health and hospital services in rural, regional and remote NSW. The Inquiry will report on a number of issues of great importance to rural, regional and remote LGAs including a comparison of health outcomes for patients living in rural, regional and remote NSW compared to other local health districts across metropolitan NSW, access to health and hospital services including service availability, barriers to access and quality of services, as well as patient experience including wait-times and quality of care.

### **Gilgandra Shire Council**

### **MOU to ensure access to health services in regional NSW**

That Local Government NSW actively pursues a formal MOU with NSW Health and Primary Health Networks which provides the basis for collaboration between councils and NSW Health and Primary Health Networks on planning for regional GP, dental and other priority allied health services including designated funding to councils to support these services in regional areas of NSW.

#### **Note from Council**

Councils in regional areas have historically invested significant funds toward retention of general practice and allied health within their areas. This has included; construction of specialist health infrastructure, subsidising accommodation and direct grants to services to support their ongoing operations. NSW Health policy and planning decisions regarding visiting medical staff, continued operation of multi-purpose services and provision of allied health services is increasingly impacting on our ability to maintain these services within regions. The gap between health outcomes for regional rural populations and urban areas continues to widen.

There is limited formal interagency cooperation between councils and NSW Health at the policy and decision making level to ensure that the resources invested by councils and NSW Health are delivering the best health outcomes for regional communities. This is particularly urgent given the trend in provision of telehealth

services. While we welcome the benefits of telehealth services, there continues to be a high unmet need for access to face to face services.

#### **84 Leeton Shire Council NSW Health to retain public ownership of aged care facilities**

That Local Government NSW calls for NSW Health to retain ownership of its National Disability Insurance Scheme (NDIS) and State owned aged care facilities.

##### **Note from Council**

There has been some recent speculation that NSW Health considering the sale of its Disability (NDIS) and publicly owned Aged Care Facilities. Many of these facilities/services are in small towns and their sale would add to the access-to-service issues already faced by regional and rural communities. Profit-driven providers are unlikely to be attracted to smaller communities and, as a result, Some aged care and disability services may be lost completely from these communities.

Low cost budget operators are not a feasible option. Budget operators tend not take on clients with high care needs, so it is likely that those clients would be lost to larger centres. This would have a number of social implications for families and their communities.

In addition, as has been clearly demonstrated by the Royal Commission into Aged Care Quality and Safety Interim Report and the COVID-19 pandemic, significant issues exist in private nursing homes that do not exist in State-run institutions. State-run facilities have prescribed staffing ratios, more qualified staff and greater accountability in terms of management requirements.

Notwithstanding the issues associated with the potential sale of publicly owned aged care and disability assets, NO decisions relating to aged care and disability assets should be made until the final report of the Royal Commission into Aged Care Quality and Safety is handed down.

#### **85 Lake Macquarie City Council COVID-19 recovery: investing in night-time economy**

That Local Government NSW calls on the NSW Government to:

- a. accelerate the delivery of the Greater Sydney 24-hour Strategy,
- b. develop a Regional NSW Night-Time Economy Strategy, including toolkits and resources to support councils,
- c. establish a new role of Parliamentary Secretary for the night-time economy, and
- d. create a Night-Time Economy Advisory Panel with membership from local government and industries to support the work of the Parliamentary Secretary.

##### **Note from Council**

The night-time economy encompasses not only the traditional elements of food and beverage services, and entertainment, but all economic activities that happen at night. These activities vary across NSW, with activities occurring in regional NSW sometimes looking quite different to those occurring in the Greater Sydney area.

The Greater Sydney 24hr Strategy identifies measures to support economic activities, with the implementation being supported by the new 24hr Economy Commissioner.

The 24hr Economy Commission appointment is welcome; however, their scope is focussed predominantly on Sydney.

The creation of a Parliamentary Secretary role could broaden the remit of the State's 24-hour economy to regional and outer metropolitan NSW. Such a position could improve the accountability of the Commissioner, while also offering a point of contact for government and non-government organisations working in this space.

The impact of COVID-19 on the Australian economy has been devastating, particularly for the hospitality, retail and tourism sectors. In June 2020, the Australian Bureau of Statistics reported that Australians spent less on dining out and transport:

- 87% spent less on eating at cafes, restaurants, pubs or bars

- 73% spent less on public transport, including taxis and ride sharing
- 64% spent less on personal car, and
- 44% spent less on clothing and footwear <sup>(2)</sup>.

The night-time economy plays an important role in Australia's economic recovery from COVID-19. Some potential opportunities include:

- Longer trading hours could enable businesses to serve more customers while managing physical distancing requirements.
- Support for the hospitality, retail and tourism sector could lower youth unemployment.
- A strategic approach could deliver collaborative outcomes for the creative arts and performance sector with other sectors of the economy.
- The delivery of a strategy for Greater Sydney and regional NSW could ensure a coordinated approach to night-time economy activities.

The night-time economy not only includes the hospitality and creative industries, but encompasses all economic activity occurring between the hours of 6pm-6am. This includes, but is not limited to, healthcare, transport, professional services, personal services and accommodation services. As Australia continues to have greater connection to the global economy, the night-time economy must be supported to ensure these industries are globally connected and able to operate 24-hours.

<sup>(2)</sup> ABS, Household Impacts of COVID-19 Survey (cat. no. 4940.0) 10-15 June 2020

### **86 Wagga Wagga City Council**

### **Accessible athletics fields**

That Local Government NSW advocates to State and Federal Governments to improve athletics facilities to increase accessibility and involvement for participants with a disability.

#### **Note from Council**

Athletics provides a unique opportunity not readily available to other sports in its ability for abled body participants and those with a disability to participate, train and compete together. One of the significant barriers uniquely facing athletics is the need for synthetic tracks and other facilities to be installed. Calling on all levels of government to help ensure these facilities are improved and made accessible will have long term benefits for individuals and the community.

### **87 Willoughby City Council**

### **Disabled parking permits**

That Local Government NSW advocates to NSW Government seeking a reform of the eligibility criteria used by medical professionals to issue disabled parking permits.

#### **Note from Council**

There is evidence that many disabled parking permits are misused or are being issued to people who do not meet the criteria. Once a permit is issued there are no means of rectifying the inequity. Willoughby City Council acknowledges the need for reform at the stage the permit is issued by a medical professional. This change would ensure eligibility to people who really need a permit and provide independence to those most vulnerable in our community. It would also create improved turnover of space for other motorists.

The Mobility Parking Scheme (MPS) provides special parking conditions to eligible people with a disability. Transport for NSW own and administer the MPS including provision of permits to the community.

### **88 Gwydir Shire Council**

### **Amendment to Aboriginal Land Rights Act 1983**

That Local Government NSW lobbies the NSW Government to amend the Aboriginal Land Rights Act 1983 to:

1. Permit land vested in an Aboriginal Land Council (ALC) to be appropriated or resumed with the approval of the ALC and where the Chief Executive Officer of the NSW ALC has issued a dealing approval certificate.

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

### **Note from Council**

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

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

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

### **89 Tenterfield Shire Council**

### **Increased migration to regional areas**

That Local Government NSW supports Regional Development Australia (RDA) Committees in lobbying the NSW Government and others to develop a funded business case for measures to increase migration from metropolitan and overseas locations to regional communities, where latent infrastructure capacities, employment opportunities, quality of life and reduced costs of living remain undervalued in target markets.

### **Note from Council**

RDA Committees are strong advocates for their region and drivers of change and, as such, have a pivotal role in fostering regional economic development. RDAs in regional NSW are also authorised Regional Certifying Bodies (RCBs), appointed by the Minister for Immigration and Border Protection for the purposes of the Migration Act. As such, RDAs are instrumental in driving population growth in regional areas through skilled migration programs.

RDA Committees are uniquely placed to investigate opportunities and incentives to increase internal migration and decentralisation from metropolitan to regional NSW. A business case may include but is not limited to:

- How the NSW and Australian Governments can better support internal and overseas migration to regional areas;
- Which policies and incentives can be developed and used by governments and communities to drive demand for internal migration from city to country areas;
- Investigating an increase of the quota available for skilled migration in regional areas to mitigate population pressures in capital cities and major urban centres;
- Quantifying the number of employment opportunities by sector in regional areas that drive demand for internal migration;
- Investigating the current stringent visa conditions on skilled migrants and employers that discourage uptake of regional skilled migration programs;
- Quantifying the latent housing and community infrastructure, as well as essential services available for population growth in regional areas, to cater for increased internal migration;
- Quantifying the economic benefits that increased population growth brings to regional communities;
- How regional communities can better attract and retain new arrivals from metropolitan centres and overseas;
- Quantifying the benefit to governments in driving population decentralisation;
- Investigating measures to change the perception of regions as ‘second rate,’ and reducing the ongoing trend of people moving to the state capital.

- How internal migration and decentralisation can mitigate stagnating populations that pose a threat to many rural and regional economies; and
- Other related matters.

## **90 Shoalhaven City Council**

## **Long walking tourism in NSW National Parks**

That Local Government NSW encourages the NSW Department of Primary Industries to consider a business model around establishing and investing in long walks as tourist attractions in our NSW National Parks.

### **Note from Council**

NSW National Park sites capture an astounding array of natural beauty. Domestic tourism is important for regional economies. There is ample evidence that nature-based offerings bring visitors.

Our National Parks need to be considered as an important investment for the State, and not a maintenance burden.

NPWS have been underfunded for a long time and a significant increase in government funding for maintenance and improvement is essential to ensure ongoing amenity and support employment in Regional NSW. Support needs to be given to NPWS to develop walking experiences which have participation fees to assist in long term maintenance of our natural assets.

New business models need to be considered in the long term and significant investment is needed to track work, board walks, signage and maps to ensure current tracks are maintained and new tracks continue to be built and developed, for the benefit of all.

There are many examples of walks like the Three Capes Walk in Tasmania which demonstrate potential use of our National Parks in a way that provides opportunities for visitors to walk safely, supported by infrastructure that protects the precious landscape, for a fee.

## **91 Liverpool City Council**

## **Gaming and liquor licence applications**

That Local Government NSW:

1. Advocates to the NSW Government for increased local government decision making in gaming machine provisions, including the changed Local Impact Assessment Band that allows moving of or increase of poker machines within the respective local government areas;
2. Advocates to the NSW Government for local government's Social Impact Assessments to be prioritised in considerations relating to gaming machine provisions and determination of the band assessment's allocations; and
3. Considers a policy position, where public interest is in the forefront of all such decisions, including investigating measures of non-association with alcohol and gaming industries.

### **Note from Council**

The Liverpool Development Control Plan, Part 1 Chapter 27 "Social Impact Assessment" (SIA) outlines the nature of an SIA required for development applications. Based on the DCP, Part 1 Chapter 27 a Comprehensive Social Impact Assessment (CSIA) is required for the following: packaged liquor outlets, hotels (bars, pubs taverns), nightclubs and registered clubs, applications for liquor licences and gaming machines, extension of trading hours for licensed premises, gaming outlets. Chapter 27 also stipulates that a SIA be prepared in accordance with Council's SIA Policy.

While Council's SIA Policy and Guidelines provide necessary mechanisms for Council to assess liquor and gaming applications, the NSW Government sets overarching guidance and regulations for the liquor and gaming industry which in many instances reduce Council's influence and decision making powers when wanting to raise concern with such applications. Therefore, it is crucial that local authorities have greater authority locally, to prevent and/or mitigate any adverse impacts in this process.

In 2019, an extension to trading hours for a liquor licence application in an area of high socio-economic disadvantage of Liverpool was referred to Council for comment. Despite Council, residents

and key interest groups' opposition, Liquor & Gaming NSW (L&GNSW) approved the application. In Liverpool, there are 1,438 gaming machines available in pubs and clubs, with a profit of \$161,345,545 annually. This equals to a weekly loss of \$3,103,549 by those with gambling addiction. More specifically, Liverpool LGA ranks number 10 in NSW with regards to personal losses generated per gaming machine, with a staggering \$87,305 lost per gaming machine. According to the L&GNSW, there are 341 poker machines across 12 hotels in Liverpool, generating \$40,085,619 per annum. For the period July to December 2018, five hotels in Liverpool were among the top 50 hotels in NSW recording highest gaming machine net profit in NSW. The application from the hotel which was not supported by Council and community is ranked among the top 50 hotels in NSW, located in a suburb ranked among 5 most disadvantage in NSW.

Local agencies including those working with victims of domestic violence, Housing NSW, Liverpool Community Kitchen and Hub and Mission Australia all report that alcohol and gambling-related harm have been major contributors to homelessness when seeking assistance with temporary accommodation. The data and research indicate that alcohol and or gambling-related harm are major public health and financial issues and the regulation of licences in this sense is an important control mechanism on the availability and supply of such venues.

The gambling industry generates economic activity, tax revenue and recreational benefits which are often used by the industry to promote their business operations. Nevertheless, it is well recognised that gambling also results in diverse negative consequences to the gamblers themselves, as well as those around them, 'affected others', and the broader community.

Supporting studies found that overall costs of gambling on the community, does not only come from problem gamblers, and that low and moderate risk gamblers also substantially contribute to the broader costs associated with the gambling industry. The following framework developed by the Productivity Commission, have categorised the costs associated with gambling into five parts:

1. Financial costs;
2. Productivity and employment costs;
3. Crime and legal costs;
4. Personal and family costs; and
5. Treatment costs.

Australia has 76% of the world's pub and club poker machines, and half of those are in NSW. According to Alliance for Gambling Reform, a national advocacy organisation which works to prevent and minimise the harm from gambling, the NSW Government's gambling tax revenue in 2018-2019 was \$2.631 billion, a jump of \$266 million from the previous year. This equals to a record \$6.815 billion lost on poker machines per annum or \$18.7 million per day. Approximately 85% of the harm caused by gambling is experienced by those considered at low or medium risk. Further, 5–10 other people are impacted for each individual gambler. The annual cost of alcohol is estimated to be \$14.9 billion, making it the second highest addiction in Australia, after gambling.

## 92 Hawkesbury City Council

## Coercive control

That Local Government NSW:

1. Notes the alarming increase in the prevalence of domestic abuse in NSW, including as a result of the COVID-19 pandemic, and the devastating impact this has on individuals and communities.
2. Recognises that coercive control is a form of domestic abuse but that it is not currently a criminal offence under NSW law.
3. Contacts the NSW Premier and NSW Attorney General calling for the criminalisation of coercive control in NSW, in line with The Domestic Abuse (Scotland) Act, currently considered the best-practice example of criminalising psychological, emotional and financial abuse as forms of domestic abuse.

### Note from Council

Domestic abuse is a significant cause of death, injury and distress in our communities. The prevalence of domestic abuse continues to rise in 2020, in part due to the COVID-19 pandemic, social distancing, and financial and emotional stressors. Local government sees the impacts of

domestic abuse on the wellbeing of our communities and the use of services, often directly or indirectly providing support to service providers and victim-survivors.

Domestic abuse includes situational couple conflict (in which violence or abuse is perpetrated in the context of an escalating specific conflict) as well as coercive control (in which the victim is subject to an ongoing pattern of control under the threat of violence or other abuse).

Coercive control slowly strips victims of their sense of safety and independence, undermines their self-esteem, isolates them from friends and family, and leaves them feeling confused, fearful and powerless. Physical violence may or may not be present, but coercive control is the strongest indicator of potential homicide by an intimate partner. A recent domestic homicide review in NSW showed 77 of 78 perpetrators had used coercive control before killing their partners.

NSW law currently doesn't recognise coercive control as a crime. Current legislation limits police to arresting people for discrete acts of violence, not for ongoing patterns of abusive and controlling behaviours, apart from intimidation and stalking. Victims often don't report coercive control because they fear that no one will believe them when they display no physical signs of assault. Scotland made coercive control a criminal offence last year, along with a comprehensive education campaign for communities, service providers and police. NSW must do the same.

### **93 City of Parramatta** **Family and domestic violence prevention resources**

That Local Government NSW supports the current advocacy of the Australian Local Government Association and Domestic Violence NSW by seeking:

- a. a State or Federal funded Domestic Violence Officer, a role which currently exists in the local government associations in Victoria and Queensland; and
- b. funding and resources to assist councils with prevention of violence initiatives and the implementation of the newly released national Local Government Domestic and Family Violence Prevention Toolkit.

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

#### **Note from Council**

Councils across NSW are acutely aware of the effects of domestic, family and sexual violence and are initiating a range of measures to respond to the issue. Through their work in education and care, sports and leisure, the arts, workplaces, health, family and community services, public spaces, transport and infrastructure, local councils recognise that they have the opportunity to lead communities to change their attitudes and behaviours that drive domestic and family violence.

Many councils are undertaking DFV prevention work, such as City of Parramatta; however, they need more support to build staff capacity to do this work across their organisations. The peak body for councils in VIC and QLD are funded by their State Governments to provide this support to councils.

A dedicated position within LGNSW, State or Federally funded, to support councils to initiate, develop and grow this prevention work would make a real difference to communities. As demonstrated by the Municipal Association of Victoria (MAV), which has had a funded position to assist councils with prevention of violence initiatives since 2011. Through the support they provide to council officers across the State, MAV has been able to increase the number of councils with domestic and family violence prevention strategies from 1 in 2007 to 30 in 2018 (out of 70 councils).

This is an opportune time to support councils to undertake this work following the success of LGNSW advocacy to achieve up to 10 days' paid family and domestic violence leave within the Local Government (State) Award 2017 and the launch of the Prevention Toolkit for Local Governments in July 2020. The toolkit is a free online resource to assist councils to undertake DFV prevention work. Based on Change the Story framework, the free online resource provides the appropriate, low cost framework for which a funded position within LGNSW could utilise to assist councils to commence and grow their DFV prevention strategies.

That Local Government NSW supports the current advocacy of the Australian Local Government Association and Domestic Violence NSW by seeking:

- a. A State of Federal funded Domestic Violence Officer, a role which currently exists in the local government associations in Victoria and Queensland, and
- b. Funding and resources to assist councils with prevention of violence initiatives and the implementation of the newly released national Local Government Domestic and Family Violence Prevention Toolkit.

**Note from Council**

Due to the impact of COVID-19, implementation of the Cumberland Domestic and Family Violence Sector Action Plan has been delayed. The sector-wide Plan aims to address domestic and family violence challenges in Cumberland and was developed together with 60 local services and government agencies. The Plan has a total of 12 actions that will be implemented collaboratively with 18 organisations, of which 6 are led by Council. Partner organisations have reported an increased demand on their services as well as reduced capacity to meet the demand.

**94 Hawkesbury City Council****Sex work**

That Local Government NSW:

1. Notes that NSW decriminalised sex work 25 years ago. Decriminalisation in 1995 resulted in improved work safety, extremely low rates of HIV/STIs, increased transparency and better access to justice, health and services for sex workers.
2. Notes that sex workers still face discrimination and harassment on the basis of their occupation.
3. Acknowledges that the 2015 NSW Select Committee on the Regulation of Brothels recommended that NSW Health consult with Local Government NSW about any additional assistance, such as educational briefings, that it could give councils to assist them to make sound development assessment decisions around sex services premises from a public health perspective, and that the NSW Government supported that recommendation. Local Government NSW therefore requests that NSW Health provides these education briefings to Councillors in both the current and each subsequent council term.

**Note from Council**

In 2015 the NSW Parliamentary Select Committee on the Regulation of Brothels made recommendations including the following:

Recommendation 1: That in granting development consent to operate as sex services premises, councils consider including conditions of consent that require premises to provide safe and equal access for people with disability.

Recommendation 4: That in reviewing the NSW Health and Safety Guidelines for Brothels, NSW Health, in consultation with LGNSW and SafeWork NSW, give specific consideration to including content that would assist councils to make sound development assessment decisions around sex services premises from a public health perspective.

In the finding that led to this recommendation, the Committee report said: 'The Committee also supports any educational initiatives led by NSW Health to assist councils to make sound development assessment decisions around sex services premises from a public health perspective.'

Providing sex services is a legal occupation in NSW, and councils bear the brunt of the regulation of it. The recommendations intended that councils be provided with sufficient information to do their job well, and not discriminate against sex workers or people who rely on their services particularly people with disabilities.

**95 Snowy Valleys Council****Local government's role in children's & youth services**

Following the much-welcomed April funding package from the NSW Government of \$82 million for 260 council-run early childhood education and care (ECED) services in response to the COVID-19 pandemic; that Local Government NSW:

1. Advocates to the NSW Government to continue to recognise the essential role of local government in early childhood education and care, and fund it accordingly, particularly as council-run services often cater to vulnerable, low-income families, regional and rural communities and children with disability; and
2. Enhances Local Government NSW's Strong and Inclusive Communities Position Statement, and the Services in Rural Communities Position Statement, by including the recognition that local government is an essential provider of services to young people 0–24 years old.

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

**Note from Council**

The NSW Government have provided fee support to early childhood and care services throughout the pandemic. The Start Stronger funding has provided support for services to grow and update infrastructure. Local government children's services are able to continue with this ongoing support particularly in small regional areas.

During the NSW lock-down early childhood educators continued to work and provide an essential service allowing other essential workers to continue their roles demonstrating the vital role they play in council and local communities. The continued funding has allowed the services to remain viable particularly to support children with additional needs and vulnerable families. Children's services in the council area remain opened during the bushfires even while the town was evacuated. The educator's tenacity and care for young children was exemplary.

**Fairfield City Council****Early childhood education and care services**

That Local Government NSW advocates to the NSW Government to continue to recognise the essential role of local government in early childhood education and care services and continue to provide funding beyond COVID-19, particularly as council-run services often cater to vulnerable, low-income families and children with disability.

**Note from Council**

During the COVID-19 pandemic the NSW Government recognised the important role local government plays in the early childhood education and care (ECEC) services by providing a much-welcomed funding package of \$82 million for the 260 council-run early ECEC services.

Being the largest collective provider of ECEC services in NSW, councils are in the strongest position to continue partnering with the NSW Government to deliver services to ensure the inclusion of children with disabilities, low-income and vulnerable families, now and into the future.

This funding boost is reflective of the long standing partnership local government has with the NSW Government in supporting children's participation in ECEC programs. However, it is important that the NSW Government continues to support local government ECEC services to ensure the most vulnerable children in our communities have equitable access to services.

**96 Lake Macquarie City Council****Partnership with Headspace**

That Local Government NSW calls on the State and Federal Governments to investigate and explore a partnership between local government and Headspace National Youth Mental Health Foundation to ensure young people in rural, remote, isolated and public transport-deprived areas gain access to appropriate and relevant youth mental health services.

**Note from Council**

The need to respond to increasing youth mental health difficulties is an important issue confronting the nation. According to 2019 research from Headspace's National Youth Mental Health initiative, mental health is the number one issue of concern for young people in Australia today. People in rural

and remote areas face further challenges in their ability to cope with mental health issues, including poorer access to specialised care.

Local government has the capacity to assist young people access help by promoting Headspace to both parents and young people, as well as through schools. This is vital to ensure young people are able to access the services and support they need in dealing with their mental health issues. Formalising a national partnership with Headspace will mean young people in rural, remote, and isolated areas all over the country will receive improved access to vital mental health services. Having this partnership operate on a local level will allow local government to work with their local Headspace centre to find access solutions that work best for their communities.

## **97 Tamworth Regional Council**

## **Medicare provider numbers**

That Local Government NSW makes appropriate representations to the State and Federal Government Health Ministers to ensure the current review of the National Medical Workforce Strategy, and in particular how a “District of Workforce Shortage” is determined when allocating Medicare provider numbers, provides flexibility and opportunities for medical practitioners and specialists to relocate to regional and rural communities so that they are not disadvantaged in the delivery of adequate and essential medical services.

### **Note from Council**

The current method used to determine the allocation of Medicare provider numbers (MPN) is flawed and is currently the subject of a review by the Federally appointed Distribution Advisory Group. The current system is largely based on areas covered by a particular postcode and does not adequately take into consideration the way specialist services are delivered in regional and rural areas. Regional centres provide services to a much broader catchment than that covered by their individual postcode. To illustrate the issue, the local ophthalmologists in Tamworth estimate that they cover a population of approximately 220,000 across the New England, North West Slopes, Upper Hunter and Upper Central West regions of NSW. While there are currently four ophthalmologists, two of them are over 60 and approaching retirement and one will return to New Zealand in early 2021. The fourth specialist works under one of the retiring doctors and has a temporary MPN until January 2021. This doctor has a desire to permanently relocate to Tamworth but cannot secure a permanent MPN because Tamworth is not considered a “District of Workforce Shortage”.

The use of postcodes may be appropriate to achieve a spread of specialists across metropolitan areas, but in regional areas it results in a small number of specialists being required to work unreasonably long hours in order to service large geographical areas. The issue is even more obvious when we have fully trained specialists that actually want to move to the regions but are unable to do so because they cannot obtain a MPN due to the need to obtain exemptions from the Minister under s19AB.

The Commonwealth Department of Health is developing the National Medical Workforce Strategy in collaboration with the Medical Workforce Reform Advisory Committee (MWRAC). MWRAC members include the states and territories, specialist medical colleges, and medical professional associations. MWRAC provides a national perspective to align priorities for supporting medical practitioners and addressing workforce shortages. This is the perfect opportunity for LGNSW to make appropriate representations on this matter on behalf of our regional and rural councils.

## Transport and roads

### 98 Liverpool City Council

### Fast track major rail projects

That Local Government NSW advocates to the State Government to provide funding and fast track major rail projects to support job creation, economic growth and stimulate urban renewal in key areas across the State.

#### Note from Council

Funding for and fast tracking of major rail projects such as the Leppington to Western Sydney Airport rail link extension, Sydney Metro City and South West project from Bankstown to Liverpool and Fifteenth Avenue Rapid Transit Corridor project from Liverpool to Western Sydney Airport will have a significant positive benefit for the entire Western Parkland City region and beyond.

### 99 Liverpool City Council

### Tolls in NSW

That Local Government NSW advocates to the State Government for a toll-free period on all new toll roads, and the removal of tolls, or a cash back scheme or other measures on other key toll roads such as the M5 East, to alleviate the financial burden on residents and other road users that use these roads.

#### Note from Council

In July 2020, a new toll was imposed on the previously untolled old M5 East. There was no grace period and the M5 Cashback scheme will not apply. Previous toll roads had grace periods to allow drivers to adjust to the roads. Prior to July 2020, it had been free since its opening in 2001.

Toll roads do not just impact residents who travel for work, but also impact small business, many who are not just tolled once, but multiple times per day. Tolls also impact road users from across NSW who may be visiting NSW and need to travel on these roads.

### 100 Blacktown City Council

### Public road dedication free of cost

That Local Government NSW urgently calls on the NSW Government to amend the Environmental Planning and Assessment Act 1979 to allow for the requirement of public road dedication free of cost as a condition of consent.

#### Note from Council

Planning in all areas of NSW is based upon the principle that, except for council roads subject to funding through Section 7.11 contributions plans, public roads are to be provided through works undertaken by developers in association with subdivision works, and dedicated to councils free of cost. Development consents condition this requirement. Councils are now being successfully challenged in the Land and Environment Court in that they do not have the power to impose a condition requiring the dedication of public roads (land and works) free of cost.

These challenges are based on Section 7.11 of the Environmental Planning and Assessment Act 1979 being the sole source of power for the imposition of this condition. That is, unless a public road is listed in a Section 7.11 contributions plan, it cannot be conditioned on a consent for dedication free of cost. This has been affirmed through the Court of Appeal. Using this argument, councils do not have the power to even condition subdivision roads to be dedicated free of cost. Unless a change to legislation is introduced, councils are exposed to legal challenge and may not be in a position to deliver roads to their communities through orderly planning.

### 101 Willoughby City Council

### Electric scooters, skateboards and unicycles

That Local Government NSW calls on the NSW Government to legalise the use of electric scooters, electric skateboards and electric unicycles so that its usage can be safely expanded beyond the current restrictions where their non-motorised equivalents are permitted.

#### Note from Council

Electric scooters (escooters), electric skateboards and electric unicycles operate similar to foot powered devices but with specifications and enhancements that may permit, amongst others, higher

travel speeds, improved manoeuvrability and more efficient stopping capabilities. Availability of electric scooters and electric skateboards is increasing and are being used on the public road and footpath networks. In NSW powered foot scooters and skateboards cannot be registered and can only be used on private land. Transport for NSW have been working with a number of local councils, NSW Police and escooter companies such as Lime Scooter on a framework for the use of escooters on public roads, paths and places. There have been electric scooter (escooter) trial programs in both Manly and Bondi. A report to the Minister for Transport is anticipated to cover, amongst others, what legislative or regulatory changes need to be made to allow an escooter trial program in pockets of Sydney or a regional area, such as Newcastle.

#### **102 Willoughby City Council**

#### **Motorcycle parking on footpaths**

That Local Government NSW advocates to NSW Government to allow motorcycle or scooter parking on footpaths (unless otherwise signed) provided individuals do not obstruct pedestrian, public transport users, doorways, delivery vehicles or access to street infrastructure (such as parking meters and public bins) and parked cars.

#### **Note from Council**

Safe motorcycle parking is especially important in the city where there are large numbers of pedestrians, vehicles and outdoor dining.

The City of Melbourne, in consultation with riding groups, developed the Motorcycle Plan 2015-18 which recognises motorcycle as a space-saving, convenient and low-cost mode of transport. Willoughby City Council is committed to reducing footpath congestion and installing additional on-street parking for motorcycles and is looking to implement a similar plan to encourage more people to choose two wheels over four.

#### **103 Bayside Council**

#### **Cashless metered parking schemes**

That Local Government NSW advocates for the NSW Government to enable councils to establish and operate metered parking schemes for any road within its area of operations without the need to facilitate the payment of fees for parking in cash (notes or coins, or both).

#### **Note from Council**

- The establishment and operation of metered parking schemes is regulated in accordance with the Road Transport (General) Regulation 2013, and managed in accordance with a mandatory Pay parking guidelines (Document Number RMS 19.1465). The current legislative framework requires that metered and ticket parking schemes must allow payment of fees in cash (ie notes and/or coins) unless they are established as a cashless scheme on a trial basis. More services in society are moving towards cashless transactions, including the public transport system. The mandatory requirement for cash payment is now becoming out of step with the direction of multiple services, and must now be reviewed. Cash payment introduces risk that can easily be eliminated by adopting cashless alternatives such as: credit or debit card, smart cards, phone, third party secure payment (eg. Apple Pay, Google Pay, PayPal, etc), and smart applications such as the NSW Government Park'n'Pay. All of these payment options are available now on meters listed on the NSW Government list of Approved pay parking devices. The additional hazards that need to be managed by requiring cash payment, include health and safety of employees managing cash (hygiene handling cash, threat of hold-up); reconciling of cash; vandalism and theft of meters. Councils may only operate a cashless scheme on a trial basis. However, the Regulations do not provide for the cashless meters to be operated beyond the trial period. It is recommended that LGNSW advocates for changes to the Road Transport (General) Regulation 2013 and the mandatory NSW Government Pay Parking Guidelines (Document Number RMS 19.1465) to remove the requirement that a metered parking scheme must facilitate the payment of fees for parking in cash (notes or coins, or both).

#### **104 Tenterfield Shire Council**

#### **Funding to correct historical errors in road mapping**

That Local Government NSW advocates to the State and Federal Governments for grant funding to assist councils deal with the costs incurred in correcting historical errors in mapping of actual roads so that ratepayers do not have to meet these costs.

### **Note from Council**

The capacity of some rural based councils to correct historic errors of legal tenure of public roads remains out of reach.

When Australian cadastral surveying first commenced most portions of land in a Parish had legal access provided usually in the form of what has become known as a 'paper road'. A great many of public roads were originally constructed to provide practical versus legal access. As land tenure slowly became more complex, with Native Title as one example, the need for correct alignment became more significant, and is continuing to do so. The sheer quantity of roads in many shires requiring legal adjustment is cost prohibitive.

### **105 Blue Mountains City Council**

### **Road safety: use of speed zones**

That Local Government NSW advocates to the NSW Government and Transport for NSW to review the criteria for speed zones of less than 50km to include a category for local roads that are shared by pedestrians and other vulnerable road users due to design and topography of these roads.

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

### **Note from Council**

In a number of locations across the Blue Mountains, local roads are shared between vehicles and pedestrians due to the absence of footpaths and walkable verges. In many of these situations, it isn't viable to build shared paths due to cost and environmental factors. However, creating the option for lower speeds on these roads would greatly enhance the safety of more vulnerable roads users such as pedestrians, people using mobility aids and cyclists.

Currently, Transport for NSW only provides a criteria for speed zones that are 40km or less in areas of high pedestrian activity. From our experience in the Blue Mountains, there is a strong case for lower speed zones in some areas where there may be low pedestrian activity but a high need to improve the safety of pedestrians who are walking for health and fitness, to and from the train station, schools, local shops or other community attractors.

It is envisaged that these criteria, if developed, would only be applied after careful review through the Local Traffic Committee processes.

### **Liverpool City Council**

### **Standardisation of speed limits for schools, towns and CBDs**

That Local Government NSW lobbies for universal standardisation of speed limits in school areas, and shopping areas in CBDs in towns and suburbs throughout NSW.

### **Note from Council**

Current speed limits are different from suburb to suburb in cities and towns throughout NSW, this is not only confusing, but dangerous to drivers and pedestrians alike.

Consistent speed zones throughout the state in these situations will provide a safer and more consistent understanding of what the road rules are, thereby minimising accidents and saving lives.

### **106 Willoughby City Council**

### **Speed limits on dual lane highways & main regional roads**

That Local Government NSW seeks endorsement from Transport for New South Wales (TfNSW) to amend the NSW Speed Zoning Guidelines to increase speed limits on dual lane and high quality highways to an upper limit from the current maximum 110km/h with the ability to have more variable speed limit zones to accommodate weather and other factors.

### **Note from Council**

Amendment to the current maximum speed limit of 110km/h would increase travel time, reduce fatigue incidents, increase safety around heavy vehicles and improve safety in general. The implementation of variable speed limit zones would address other factors such as weather impacts.

Dual lane highways and high quality highways are State roads in NSW. Transport for NSW is the NSW Government agency responsible for State Roads. Only motorway standard roads and major rural arterial roads have a posted speed limit of 110 km/h.

Regional roads are managed by local councils and have speed limits lower than 110 km/h.

## Industrial relations and employment

### 107 City of Parramatta

### Payment of Councillor legal expenses

That Local Government NSW advocates to the NSW Government for a review of the legal expenses, public liability and professional liability provisions of the Local Government Act 1993 and the Office of Local Government's guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW to:

- a. allow for the payment of legal expenses as they occur to enable Councillors to adequately respond to legal proceedings being taken against a Councillor in defending an action arising from their performance in good faith of a function under the Local Government Act or defending an action in defamation; and
- b. ensure adequate processes are in place to reimburse the council should the outcome of legal proceedings not be favourable to the Councillor.

#### Note from Council

Currently, the Local Government Act 1993 (the Act) provides councillors with a level of protection from civil liability action for undertaking council-related and council-endorsed activities as a councillor. Protection from civil liability is only provided where a councillor's actions are undertaken in the manner referred to in the relevant sections of the Act, including in good faith and for purposes related to council activities. Councils are required to have an adopted 'Payment of Expenses and Facilities for Mayors and Councillors' policy which may outline the circumstances where the council will reimburse an elected representative's legal expenses.

This motion proposes that the legal protections for Councillors under the Act be reviewed to allow a council to indemnify or reimburse a councillor's reasonable legal expenses as they occur and not solely following the outcome of legal proceedings, as is the current situation. This is proposed in response to the high price of legal services in Australia which can prohibit a Councillor from mounting a reasonable legal defence to proceedings. This is particularly relevant in light of the significant proportion of Councillors in NSW who are retirees or self-employed, and the significant impact mounting a legal defence may have on their financial status. The motion proposes that the Act, and council policies should still have in place processes for the councillor to reimburse the council should the outcome of legal proceedings not be favourable to the councillor.

### 108 Albury City Council

### Personal accident insurance cover for elected representatives

That:

1. Local Government NSW lobbies the Minister for Local Government to amend the Local Government Act 1993 (NSW) to require all councils, county councils and joint organisations to have personal accident insurance cover for their elected representatives whilst performing their functions and responsibilities as a councillor in good faith and in accordance with the Local Government Act 1993 (NSW); and
2. The insurance cover referred to in 1 above be equivalent to the level of insurance cover that employees receive under the NSW workers' compensation legislation.

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

#### Note from Council

Councillors are not defined as 'workers' for the purposes of the NSW workers' compensation scheme. Although some councils may take out personal injury insurance for their elected representatives, this is optional and the level of coverage and premiums will vary between insurers. It is submitted that it is not desirable for elected representatives, who when carrying out official council business in good faith, to be more 'exposed' than employees in terms of personal accident insurance coverage.

### Lismore City Council

### Workers compensation for Councillors

That Local Government NSW advocates for all councils to have workers compensation insurance for councillors and for multiple providers to provide this to councils to ensure market competition.

**109 Gunnedah Shire Council****Rural apprenticeships**

That Local Government NSW calls upon the Federal Government to mandate that:

- a. a percentage no less than 20% of funds committed to NSW TAFE support rural Institutes to allow apprenticeship courses to be run with no minimum student requirements; and
- b. NSW TAFE allows composite classes within apprenticeship courses to be run in rural institutes.

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

**Note from Council**

Over many years NSW TAFE has seen a decline in the services provided to regional and rural communities in particular trades apprenticeship courses, the intent of this motion is to see a percentage no less than 20% of the Federally allocated fund to the NSW TAFE system be mandated to be spent on providing the required level of services to regional and rural communities most in need.

The second part to the motion is to seek to isolate the city from the bush with respect to the minimum requirement enrolled participants in apprenticeship, traineeships and any qualification deemed to be in critical need for the future needs of the campus/institutes regional service area and to seek to allow composite classes for such training courses to allow enrolled students of different years to join the same class, i.e. years one and two of an electrical apprenticeship share the same class room with the same teacher but work from separate modules.

**Waverley Council****Support for TAFE NSW**

That Local Government NSW:

1. recognises the importance of TAFE as an institution which provides a suitably skilled workforce for council operations and the wider community, including most trades.
2. calls on the NSW Government to restore investment levels in TAFE, re-directing funding away from private providers into the public TAFE system and that student fees are re-set at realistic levels for affordable access to courses and that staff levels are increased to teach courses relevant to demands for services across the economy.

**110 Bourke Shire Council****Continuing Professional Development**

That Local Government NSW make representations to the various professional bodies relating to local government employees who are required to obtain Continuing Professional Development (CPD) points, to consider the difficulties encountered by rural and remote council employees in attending accreditation courses and make provision for an allowance for travelling when allocating points.

**Note from Council**

Whilst not seeking to abrogate the responsibilities of employees to maintain their accreditation, Council is of the view that consideration should be given to the distances that need to be travelled and the expenses incurred by employees of rural and remote council in attending accreditation and training courses.

Generally, such courses are held in metropolitan and regional centres and access for those from rural and remote councils is much more difficult and this difficulty should be recognised or alternative delivery methods introduced.

## Governance and accountability

### 111 Bourke Shire Council

### Risk and Internal Audit Committees for councils

That Local Government NSW calls on the Office of Local Government to review the guidelines to reduce the period of exclusion for both former elected members and staff from participating in Risk and Internal Audit Committees for councils.

#### Note from Council

Currently the proposed exclusions from membership of a council's Risk and Internal Audit Committee is that an independent member cannot:-

- Be a Councillor of any council in Australia, a candidate at the last election of a council or a person who has held office in a council during its previous two terms;
- Be employed (currently or during the last three years) by any council in Australia; and,
- Have a close personal or business relationship with a Councillor or a person who has a senior role in council.

While acknowledging the intent of the legislation, the fact is that in rural and remote NSW this provision has the potential to exclude those who have both a wealth of local government experience and the desire to make an ongoing contribution to improvements in the area of risk and Internal control of councils.

The proposal also effectively reduces the pool of available applicants and may result in the roles on the committees being undertaken by "fly in fly out" members who, despite being well qualified, are not conversant with the day-to-day challenges faced by councils serving these communities.

The exclusion may be refined to relate only to the council to whose Internal Audit and Risk Committee the appointment relates.

### 112 City of Ryde

### LGNSW - Armidale Council

- a. That this Local Government NSW Conference calls on the Minister to:
  - i. reinstate the elected Councillors of Armidale Regional Council (ARC) at the end of their six month suspension and let the community decide at the September 2021 elections who should represent them;
  - ii. recognise that, as happens in Ryde, Councillors must have access to information to enable them to perform their functions as elected members of the governing body, and calls on the Minister to strengthen the requirement in the Act for General Managers to provide information to Councillors and so avoid the problems that allegedly happened in Armidale; and
  - iii. to ensure that the Office of Local Government has adequate resources to assist local councils if they encounter serious problems and respond to complaints in a timely manner.
- b. That the Conference gives leave for a representative of the suspended ARC Councillors to address this Conference for five minutes.

#### Note from Council

A majority of elected Councillors of ARC lost confidence in their CEO during the last quarter of 2019. This largely arose from the CEO making significant decisions without consulting the Councillors and refusing to provide relevant information.

In February 2020, seven Councillors submitted a motion to terminate the CEO's contract on a 'no-fault' basis. This lawful motion was moved and seconded, but the Mayor refused to allow Councillors to vote, instead deferring the motion. After seeking legal advice, the Councillors submitted a revised motion.

The CEO and Council took five Councillors to the Land & Environment Court to stop them from voting on the motion. The Minister appointed an Administrator and suspended the Council.

The judgment by the Chief Justice of the NSW Land & Environment Court, delivered eleven days after the suspension, concluded decisively that there was no apprehended breach of the Act or threatened denial of procedural fairness and the Councillors were merely doing their duty in raising concerns about the performance of both council and the CEO; in fact it would have been remiss of them not to do so. This decision affirms that the Councillors are entitled to determine the tenure of the CEO. (Armidale Regional Council v O'Connor [2020] NSWLEC 77.)

The CEO, Mayor and other Councillors who had supported the CEO, resigned.

Previously in September, October and November 2019, three Councillors expressed concerns to OLG in complaints about serious management and governance issues, and the CEO's refusal to provide information, but received no response (apart from acknowledgements) until three weeks after ARC had been formally suspended and then only to say the OLG intended to take no further action, leaving the matter in the hands of the Administrator.

The suspended Councillors have been given no help, advice, or direct information on any concerns over their performance, but the Administrator says that reinstating the remaining Councillors (who together received 71% of the votes of all elected Councillors) "puts at risk full representative democracy in the ARC local government area".

### **113 Central Coast Council** **NSW ICAC and Federal anti-corruption body**

That Local Government NSW:

1. Campaigns for the NSW Government to restore funding and ensure the independence of the NSW Independent Commission Against Corruption (ICAC). The campaign would include, but not be limited to:
  - a) building alliances with key stakeholders and peak bodies to develop a position statement and build a public campaign
  - b) providing resources to local councils to build grassroots support for the campaign.
2. Advocates through the Australian Local Government Association for the Federal Government to establish an independent anti corruption body with powers similar to those of the NSW ICAC.

#### **Note from Council**

The NSW ICAC was established in 1988 as an independent organisation to "protect the public interest, prevent breaches of public trust and guide the conduct of public officials in the NSW public sector". ICAC is important because it ensures accountability, transparency and good governance. It builds confidence and trust.

Over recent years, NSW ICAC has been under attack - facing ongoing budget cuts and limiting of its powers. There are concerns that its independence is being undermined. In 2019, the budget dropped by 10% and ICAC's staffing levels are at near-record lows. However, in the last two financial years, the number of matters received by ICAC has increased from 2,436 to 2,751.

There needs to be strong, well resourced and independent oversight bodies such as ICAC that are protected from political attacks. This is a relevant matter to LGNSW.

### **114 The Hills Shire Council** **Privacy protection of Councillors**

That Local Government NSW makes representations to the Local Government Minister and Office of Local Government on behalf of Councillors concerning protection in Councillors' employment, businesses and private lives. Disclosure requirements need to re-assessed. The minister and department should defend the reputation of Councillors' profession, and stand for the interests of councillors, rather than against them.

#### **Note from Council**

Councillors work full time and do their council responsibilities outside their normal working hours. Unlike State and Federal politicians who received a generous salary, councillors are paid a nominal stipend. However, it is still a political position and we are still subject to political pressure and personal attack.

Today, technology makes it very easy to harass Councillors and these attacks can easily be directed at our businesses or places of employment. Because Councillors work full time, they are uniquely vulnerable to outside pressure. Councillors do their roles out of love for their community and get very little in return.

In addition, the role of Councillor has changed to where now Councillors have almost no powers. Agendas are prepared by the General Manager. Contracts are reviewed, managed and assessed by council officers. DAs are no longer assessed by Councillors. Planning Proposals are subject to reviewed by the Department of Planning.

Despite this, Councillors as a profession are often vilified by our own department that represents us in State Parliament. Oversight and regulation have become more and more onerous despite us having fewer powers. It doesn't make sense. There are many more elected Councillors in NSW than State Members of Parliament and notwithstanding, there is likely to have been more former members of Parliament serving penal sentences than Councillors.

It is time to focus on the privacy and security of Councillors. The only security available to Councillors is in the council building, where it is least required. No security is available outside of the building. For these reasons Councillors personal details should not be publicly displayed and should be kept private. It is far too easy to target a Councillor outside of the council premises and given that Councillors have such limited powers, the preference toward disclosure of Councillors private interests seems unnecessary.

Compare and contrast this with for example the NSW Police who have greater powers than Councillors. And there are often examples of Police misusing their powers. Yet the NSW Police always have a Minister and a department who defends them and their profession. They have greater personal protections for officers and their families.

Councillors are equally deserving of a Minister and bureaucracy that gives real support and protection to Councillors. There are numerous examples right now across the world where technology is able to profoundly interfere with the personal and business lives of people. It's time to take a serious look at protections for Councillors. It's time we have a department that represents and defends the profession of Councillors.

### **115 Kyogle Council**

### **Rural Ministerial Advisory Committee**

That Local Government lobbies the NSW Government to establish a rural Ministerial Advisory Committee to provide policy advice on, and make representations on behalf of, rural communities and the impacts of government decision making on those communities and that the committee be made up of representatives from rural regions across the State.

#### **Note from Council**

Over the last couple of years, rural communities have suffered drought, flood, fire and pandemic. Rural voices need a stronger platform to be heard and the establishment of a dedicated Ministerial Advisory Committee will ensure greater attention to some of our most vulnerable communities; communities that are our food source and are the backbone of our ongoing survival.

### **116 Wagga Wagga City Council**

### **Code of Conducts complaints**

That Local Government NSW advocates to the Minister for Local Government and the Office of Local Government to conduct a review into the operation of investigation of Code of Conduct complaints including allocation of more resources from the NSW Government to address code of conduct complaints.

#### **Note from Council**

Code of Conduct complaints are intended to be a legitimate mechanism for addressing concerns at the local government level. However, this process is devalued due to lengthy delays in investigating

and ruling on these matters. Concerns are raised continually by both complainants and by people who are the subject of a complaint.

Currently the Code of Conduct provides no meaningful tool to address poor behaviour by local government public officials. This is compounded by the costs associated with investigators and the under resourcing of the Office of Local Government to address the matters arising continually across the state, resulting in a slow, ineffective mechanism for fairly and meaningfully reviewing complaints.

### **117 Shoalhaven City Council**

### **Local government improvement summit**

That the NSW Government holds a summit on local government to discuss and formulate solutions to issues which stakeholders see as a hindrance to good functions of local government.

#### **Note from Council**

The proposed summit will be a forum in which the Office of Local Government brings together Councillors and Mayors and other stakeholders to consider what changes should be made to the legislation and practices to bring local government more into line with the way business is done generally in other sectors. The expected outcome of the summit is to improve the working conditions of elected Councillors and Mayors to assure efficient outcomes-focused functioning of local government.

To encourage efficient functioning of local government the summit could address issues such as:

- Bringing younger, female and in general more diverse representation into elected positions
- Aligning conduct of elected representatives into expectations of other workplaces
- Underrepresented groups feeling discouraged by the perception of a negative working atmosphere
- If changes to the legislation need to be made to enable these goals.

Outcomes from the summit will aim to ensure efficacy of local government decision making by ensuring all interested candidates have the confidence to be nominated and to better represent their communities.

### **118 Central Coast Council**

### **Legislative Reform**

That Local Government NSW actively campaigns for legislative reform that would:

- a. Make it an offence for a person to intentionally or recklessly threaten or incite violence towards any persons listed in (b) (i) below, in the exercise of any function under the Local Government Act or any other Act or any regulation conferring functions on a council.
- b. Make it an offence for a person to publish content that reasonable persons would regard as being, in all the circumstances, intimidating, menacing, harassing or offensive towards any of the following in the exercise of any function under the Local Government Act or any other Act or any regulation conferring functions on a council:
  - (i)
    - the Minister
    - the Departmental Chief Executive
    - a person authorised under section 746
    - an auditor appointed under Part 3 of Chapter 13
    - a council
    - a councillor
    - an administrator of a council appointed under this Act
    - an employee of a council
    - a police officer
    - a person duly authorised to perform the function for the purposes of the Act or regulation concerned.
- c. Impose, in addition to maximum penalties as provided in similar legislation eg Crimes (Domestic and Personal Violence) Act 2007, a further penalty to the effect that anyone convicted of such an offence be disqualified from holding public office as per s 275 of the Local Government Act 1993.

**119 Georges River Council****Council meeting minutes**

That Local Government NSW lobbies the NSW Office of Local Government and the Minister for Local Government to amend the provisions of the Local Government Act 1993 and the Model Code of Meeting Practice for Local Councils in NSW to require councils to publish unconfirmed minutes of council and committee meetings to provide suitable legal protection to councils to act on decisions without breaching other legislation and to allow the public to view the decisions of council in writing in a timely manner.

**Note from Council**

This Motion if adopted will offer greater transparency to the public of the decisions of council while ensuring that councils will be offered legal protections without breaching other legislation.

**120 Orange City Council****Working With Children and Police checks for elected members**

1. That Local Government NSW advocates for the NSW Government to introduce Working with Children and Police checks for elected members.
2. That reference is made to the National Principles for Child Safe Organisations developed by the Australian Human Rights Commission which provide a nationally consistent approach to embedding child safe cultures within organisations that engage with children.

**Note from Council**

Given the high profile of Councillors and the range of different events that we are asked/required to attend, it should be a requirement that all Councillors undergo these checks as a minimum requirement.

**121 Albury City Council****Attendance at Council meetings by audio-visual link**

That Local Government NSW calls on the NSW Government to amend the Model Code of Meeting practice for Local Councils in NSW to permit attendance and participation of councillors at council meetings and at meetings of committees of council by audio-visual link.

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

**Note from Council**

It is submitted that the temporary arrangements for attendance at council by audio-visual links introduced in response to the COVID-19 pandemic be made 'permanent' by way of an amendment to the Local Government Act 1993, the Local Government (General Regulation) 2005 and the Model Code of Meeting Practice for Local Councils in NSW.

Permitting attendance by audio-visual links (or other approved ways) offers benefits to elected representatives and councils in that it takes into account that from time to time circumstances may make it impractical for a Councillor to attend a meeting in person (for example, due to carer's responsibilities, be travelling for work, affected by natural events such as bushfire or flooding, or if showing signs of illness but still well enough to attend and participate in the meeting). It is submitted that such amendments would also reflect contemporary expectations and understanding about the effective attendance at and participation in meetings in ways other than solely 'in person' attendance.

**Wagga Wagga City Council****Remote Council and Committee meetings**

That Local Government NSW advocates for continuing to allow Councillors and staff to attend and participate in Council and Committee meetings by audio video links where it is reasonably practicable to do so and that the Office of Local Government NSW issue corresponding detailed practical guidance on managing remote meetings, which take into account the use of mobile technology.

**Note from Council**

Removing the requirement for 'in person' attendance provides Councillors and staff with flexibility on how to manage their attendance, which has the positive effect of increasing attendance rates. There are also WHS benefits to remote attendance, including fatigue management by having the option to reduce or remove travel time in regional and rural areas.

In addition, removing the need to attend 'in person' may encourage candidates from diverse backgrounds to become councillors, by providing greater flexibility on the method of attendance which may be particularly beneficial for candidates or existing councillors with physical limitations or carer responsibilities.

**Waverley Council** **Attending Council meetings online in exceptional circumstances**

That Local Government NSW writes to the Minister for Local Government requesting that the Local Government Act be amended to allow for a Councillor, in exceptional circumstances, to attend ordinary Council and Committee meetings, with the approval of the Mayor and General Manager, via an online platform such as Zoom or Teams.

**Orange City Council** **Voting protocols during COVID-19 and beyond**

1. That Local Government NSW undertakes a review of temporary changes to Council governance arrangements as a result of COVID-19, including online meeting attendance, with a view to identifying positive impacts and any issues such as a limited options for voting in Mayoral and Deputy Mayoral elections.
2. That subject to the outcome of this review, Local Government NSW lobbies the NSW Government to implement permanent changes such as to allow for the option of online meeting attendance in specific circumstances and additional options for voting in Mayoral and Deputy Mayoral elections.

**Note from Council**

In the current pandemic situation where it is the right of Councillors to attend Council meetings via an online platform this restricts any voting situation to an Open Voting (show of hands) situation. It is requested that LGNSW identify an online voting tool that will allow an Ordinary Ballot voting system to take place so that confidentiality of votes is maintained.

**122 Wingecarribee Shire Council** **Political party candidates at local government elections**

That Local Government NSW calls on the NSW Government to amend electoral requirements so that:

- a. no political parties/groups run on the ballots; and
- b. all candidates are listed below the line as individual candidates.

**Note from Council**

Local government representation should be focused on local issues. Political affiliations can at times be perceived as political bias or also members may feel that they are being pressured to vote on a certain manner in a particular way.

## Environment

### **123 Lane Cove Council** **Noise complaints generated from park activities**

That Local Government NSW lobbies the NSW Government for the inclusion of specific provisions in the Protection of the Environment Operations (Noise Control) Regulation 2008 which stipulates that general activities within a park cannot be deemed 'intrusive' or 'offensive' during certain hours of the day.

#### **Note from Council**

Noise generated from general park activities can be easily classified as 'offensive' under the Protection of the Environment Operations Act 1997. Therefore, clear direction is needed around the parameters of acceptable noise between certain hours during the day that encompass normal park usage activities.

### **124 Bellingen Shire Council** **Local Land Services Amendment (Miscellaneous) Bill 2020**

That Local Government NSW expresses its concerns to the NSW Government regarding;

- the lack of transparency and prior consultation that has characterised the introduction of the Local Land Services Amendment (Miscellaneous) Bill 2020;
- the removal of the legal ability of councils to make considered local policy decisions regarding certain land uses within rural and environmental protection zones; and
- the adverse environmental impacts of the proposed legislation, in view of the findings of three recent reviews undertaken by the NSW Auditor General, the Natural Resources Commission and the NSW Parliamentary Inquiry into koalas.

#### **Note from Council**

This zone is generally intended to protect land that has high conservation values outside the national parks and nature reserve system.

In Bellingen Shire this has been primarily applied to land that contains an identified "Endangered Ecological Community", and "forestry" is currently a prohibited land use in view of these values. The proposed Bill would mean that any such prohibitions are no longer recognised, nor any requirements for development consent that may currently exist, or be proposed, in the councils LEP. These reforms are highly significant and would render councils mute in terms of the ability to have any say in the way in which clearing or forestry land uses are permitted to occur in rural and environmental zones within their own LGAs. They act to render the planning intent of a LGA redundant (as expressed through the adoption of environmental zones within a publicly exhibited and legally adopted LEP), without any form of consultation with the community that it effects.

Noting the call for urgent intervention that arose from the Parliamentary inquiry, overall, there is a disconnect between the aspirations clearly expressed in NSW Government publications such as the NSW Koala Strategy and the reality of what is actually permitted, on the ground, by the legal framework that the NSW Government proposes to regulate impacts on koalas in particular, and forestry and clearing in general.

### **125 Bellingen Shire Council** **Koala conservation**

That Local Government NSW supports the findings and recommendations of the NSW Koala population and habitat in NSW report and urges urgent action by the NSW Government particularly given finding 2 which indicates that given the scale of loss to koala populations across NSW as a result of the 2019-20 bushfires and without urgent government intervention to protect habitat and address all other threats, the koala will become extinct in NSW before 2050.

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

#### **Note from Council**

The Koala populations and Habitat in NSW Legislative Committee was established in June 2019 to enquire into and report on koala populations and habitat in NSW.

Bellingen Shire Council submitted evidence to the enquiry, as did the Mid North Coast Joint Organisation.

The report of the Legislative Committee overseeing the enquiry was handed down in June 2020 inclusive of 16 findings and 42 recommendations to help ensure the future of the koala.

Of particular note is finding 2 - that given the scale of loss to koala populations across NSW as a result of the 2019/20 bushfires and without urgent government intervention to protect habitat and address all other threats, the koala will become extinct in NSW before 2050.

Conserving the Koala is of critical importance and cannot be achieved by doing the same things we have been doing. It is vitally important that the NSW Government commits to the implementation of the recommendations of the Legislative Committee. This Motion to Conference seeks advocacy in support of government commitment to the reports findings and implementation of the recommendations.

### **Liverpool City Council**

### **Koala sanctuary and wildlife hospital**

That Local Government NSW advocates for the creation of a Georges River Koala National Park and establishment of a well-resourced wildlife hospital in South West Sydney.

#### **Note from Council**

Koala populations have been desecrated as a result of the Australian bushfires and are under ever increasing threat by logging, the clearing of farming land and urban development.

### **126 Strathfield Council**

### **Ausgrid – tree matters**

That Local Government NSW requests Ausgrid establishes a new liaison program between councils and Ausgrid where tree matters (in proximity to electrical assets) can be raised and dealt with properly and information on upcoming pruning activities conveyed.

#### **Note from Council**

A long standing issue for Strathfield and many other councils across NSW is the pruning of street trees by utility companies. Currently under statute utilities companies can prune street trees around overhead electrical wires without any recourse to local government in terms of the style or quality of their arborists work.

Densely vegetated LGAs could provide two officers names who Ausgrid may use to raise matters and receive responses from council, with this being reciprocated by Ausgrid. This way if either organisation has issues of concern or representations from local residents it will get the matter promptly responded to. It would be in the best interests of LGAs and Ausgrid to work as cooperatively as possible.

### **127 City of Canterbury-Bankstown**

### **Funding for waterway maintenance on private land**

That Local Government NSW makes representations to the NSW Government requesting it identifies, or if absent, establishes a fund for residents to apply to for the purpose of improving or maintaining water quality in waterways that run through privately owned land then into public waterways in urban areas.

#### **Note from Council**

Water quality in our rivers is of vital importance to both the natural environment and our communities. There are many waterways on private land in urban areas, all of which play a role in the quality of water that runs off these properties and into public waterways.

Unfortunately, the quality of water in our urban rivers is degraded due to stormwater pollution, erosion, and littering. Unless necessary measures are undertaken immediately, continued degradation will impact the liveability of these catchments. Enabling private landowners to put Water Sensitive Urban Design (WSUD) features in place could assist in treating stormwater runoff and maintaining the water quality of our rivers. Implementing WSUD measures comes at a cost and given

the scale of the issue, it is beyond local government's ability to resource any response with landowners. It is in the public's interest then, that these waterways on privately owned land are maintained to a minimum standard. We therefore call on the NSW Government to provide funding for such works where it can be demonstrated that there will be a public benefit through improved water quality.

### **128 Gilgandra Shire Council**

### **Impacts of the Biodiversity Offset Scheme**

That Local Government NSW lobbies the NSW Government to provide designated funding to support councils' offset costs associated with the Biodiversity Offset Scheme that may be prohibitive to new midsize development which can demonstrate a direct positive impact on population and job growth as well as diversification of regional economies.

#### **Note from Council**

The Biodiversity Scheme is intended to address the environmental impacts of new development in NSW, however this legislation burdens regional and rural communities and is in effect an indirect tax on development in regional NSW. Councils are not seeking to disregard legislation and in fact see ourselves as good environmental citizens of the State of NSW. The current blanket application of the policy and compliance requirements across NSW is a disincentive for new development in smaller regional towns seeking to diversify their economic profile, particularly when most new development will occur on Greenfield sites.

Council is seeking Government intervention to review the legislation and to consider support to local government to help navigate through the Biodiversity Offset Scheme. This could be achieved by establishing stewardships sites on land owned by Council so that local credits can be available to offset local development biodiversity credit liabilities. The cost of offset credits is rapidly increasing and should be a concern for all.

Whilst the intent of the legislation has merit, that being to improve biodiversity and the environment, it doesn't compensate communities when the legislation is the deal breaker for development proceeding which affects social wellbeing and opportunity for growth in rural and regional communities. This legislation is perceived by rural councils to be an ideology imposed from a metropolitan context, who have already developed their land, without fully understanding the implication to regional and rural communities.

### **129 Lachlan Shire Council**

### **Biodiversity Conservation Act 2016**

That Local Government NSW lobbies the NSW Government to include exemptions in the Biodiversity Conservation Act 2016 for events and other minor development from requiring a test for determining whether proposed development or activities are likely to significantly affect threatened species or ecological communities, or their habitats.

#### **Note from Council**

Part 7 of the Biodiversity Conservation Act 2016 requires a proposed development or activity to undertake a test to determine whether it is likely to significantly affect threatened species or ecological communities, or their habitats. A lot of Councils within NSW, particularly in regional NSW, do not have the expertise to determine whether a proposed development or activity is likely to significantly affect a threatened species or ecological communities, or their habitats. As Council does not have the expertise the applicant must provide an ecology report which undertakes this test. This is of particular concern where the proposed development or activity relates to an annual event or the like where new DAs are required, to continue the use of the land for that purpose (i.e. to hold the event). These events are usually run on very tight budgets and to require an ecology report for such events, where the cost could be in the order of \$10,000 to \$20,000, often means that the event becomes economically unviable and this has an enormous (in some cases disastrous) effect on the economic development of the LGA in which the event was to be located. In addition, these events often don't involve any clearing of vegetation and can involve the use of the same land for many years, such that there is no material effect on flora or fauna.

There are significant penalties associated with a failure to comply with the Biodiversity Conservation Act 2016 and a council officer deemed to have provided false or misleading information could be personally liable for a fine of \$330,000 and \$33,000 for each day the offence continues as well as up to 5 years imprisonment. Council could also be liable for a fine of up to \$1,650,000 and further fines of up to \$165,000 for each day the offence continues. Therefore, Council officers are, in essence, being forced to require a detailed report before determining a DA for even relatively minor events. The LGNSW should lobby the NSW Government to provide exemptions for one off events and other minor development, where no clearing is to take place, from having to undertake the test for determining whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.

### 130 Narrabri Shire Council

### Impacts of Biodiversity Legislation

That Local Government NSW:

1. Expresses concerns regarding the NSW Biodiversity Conservation Act and other land management legislation and all associated regulations and their impacts on farmers and economic development in NSW;
2. Calls for the immediate review of the Biodiversity Conservation Act and associated Regulations;
3. Calls for the involvement of local councils and farmers in any review of the Biodiversity Conservation Act and associated Regulations;
4. Calls for the immediate halt of retrospective prosecutions and all compliance actions under the now repealed Native Vegetation Act;
5. Calls for the end of so called "Restorative Justice" which unfairly requires farmers to lock up land under either Remediation Orders and/or Conservation Agreements;
6. Expresses its support for the protection of basic and fundamental property rights and its support for the basic notion that Government should not acquire or restrict the use of private agricultural land without compensation.

#### Note from Council

*Farmers and Loss of agricultural land:* There is strong belief that the system is stacked against farmers and, in many ways, it is impossible for farmers to navigate the relevant legislation unless they hire a lawyer. Even if they do navigate the legislation it probably won't make economic sense for them to improve their farming country. Farmers cannot afford the payments into the Biodiversity Conservation Trust in exchange for clearing native vegetation from their properties.

One example; a farmer applied to clear approximately 600 hectares of native scrub from their property at Walgett and was advised that they would need to pay \$20,000 per hectare (\$12 million). This is completely unrealistic and unaffordable.

Rehabilitation conditions on mining projects within NSW are too heavily weighted toward biodiversity and revegetation rather than returning land to a productive agricultural use.

One such example is that when one mine closes in Narrabri Shire there will be a loss of 2,500 ha of agricultural land when it is rehabilitated to woodland. Most of this land is currently suitable for grazing, yet it will be locked up forever as forest. Government rehabilitation should require this farming country be returned to an equal or better standard than before mining. The protection of agricultural land is paramount if we are to sustain and grow our State economy.

*Economic development.* Many proponents are now experiencing the challenges of Biodiversity legislation. In Narrabri Shire proponents are being required to pay vast amounts of money into the Biodiversity Conservation Trust in exchange for the privilege of clearing some grassland. The Biodiversity Conservation legislation is a genuine threat to the future prosperity of not only Narrabri Shire but NSW. This legislation has the potential to sterilise vast amounts of land that would be better off used to create jobs for our communities.

**131 Cabonne Council****Flood mitigation**

That Local Government NSW advocates for the inclusion of a division within the Fisheries Management Act, providing flexibility and cooperation between local authorities and the Minister when considering flood mitigation and prevention works within townships and their localities.

**Note from Council**

Councils are sensitive to the environmental importance of our waterways and the habitats they provide to native fish populations. Councils are often however called upon by their communities to also mitigate flash flooding and broader flood events in a way that protects both life and property. It is felt that more flexibility and cooperation specifically mandated in the relevant legislation will provide a greater opportunity for compliance as well as community relations in addressing conflicts around priorities as they arise in this area.

**132 Inner West Council****Uranium mining ban in NSW must stay**

That:

- a. NSW councils oppose any move to lift the ban on uranium mining in NSW.
- b. Local Government NSW, on behalf of councils, writes to the NSW Premier and all MPs urging them to support sustainable and clean energy and jobs solutions.

**Note from Council**

A Bill to overturn the NSW Ban on Mining was introduced into Parliament in 2019 by Mark Latham (One Nation Party). The National's leader John Barilaro has voiced support for the Bill. It is unlikely that uranium mining would lead to the construction of nuclear reactors in NSW. However, mining would have an environmental impact and the storing of waste from nuclear reactors remains an issue. The NSW Cabinet has deferred a policy decision to receive a report from Mr Barilaro after further research (Source: Berejiklian government to pursue its own uranium push, SMH, August 24, 2020, <https://www.smh.com.au/politics/nsw/berejiklian-government-to-pursue-its-own-uranium-push-20200824-p55ova.html>)

As a result of a widespread community campaign during the Cold War period of the 1980s and early 1990s, Marrickville, Leichhardt and Ashfield Councils opposed uranium mining and nuclear energy. The councils erected signs informing residents and visitors of their position.

**133 Hawkesbury City Council****IPART Terms of Reference**

That Local Government NSW lobbies the NSW Government to include climate change considerations in approved terms of reference for investigations and reviews by the Independent Pricing and Regulatory Tribunal pursuant to the Independent Pricing and Regulatory Tribunal Act 1992.

**Note from Council**

IPART regularly carries out reviews covering a number of areas, such as energy, water, transport and local government. Many of these areas have a relationship with climate change and yet climate change is not generally included as a consideration in the terms of reference approved for the conduct of a review. For example, when IPART reviewed contributions plans, climate change was not included as a consideration in the terms of reference. When councils develop plans for future costs associated with providing infrastructure they should be mindful of what impacts there could be associated with climate change, such as the provision of drainage infrastructure given, for example, the likely increase of rainfall.

**134 Lismore City Council****Landscape hydration**

That Local Government NSW requests the NSW Government to:

1. Recognise the importance of landscape hydration techniques in improving the hydration of our rural lands which lowers the impact of drought, reduces water loss from run off, and improves the ecology and environment of previously degraded rural lands.
2. Recognise the role that local government can play in improving the environmental outcomes for our regions by partnering with farming bodies and land care groups to educate farmers and residents on methods of land regeneration including landscape hydration.

3. Provide grants to local government which enables councils to offer landscape hydration technique training opportunities for farmers and land care groups in our community.

#### **Note from Council**

Landscape hydration is a rural landscape management technique aimed at restoring natural water cycles that allow the land to flourish despite drought conditions. It offers a low cost widely applicable method of reducing drought severity and boosting productivity on Australia farms and landscapes. The technique is based on ecological principles, low input requirements and natural cycling of water and nutrients to make the land more resilient to changes in the climate.

Significant areas of Australian land and water bodies have been seriously degraded, largely through the removal of natural means of conserving water in the landscape. The challenge to provide Australia's ongoing water requirements without undermining the ecological resilience of the land demands urgent and informed action. (NSFarming.com)

Landscape hydration is a whole of landscape approach that focuses on the movement of water and nutrients from the top of the hills to the lowest points of the floodplain. Landscape hydration is all about managing the entire landscape, not just bits and pieces of it.

Four-day training courses in landscape hydration techniques courses are being offered by a number of organisations, providing hands on workshops that demonstrate how to redesign individual farms to improve landscape function while maximising production and minimising costs.

By supporting education and training in these techniques, this proposal would assist the NSW Government's commitment to providing water security to rural areas, by improving landscapes and reducing the demand for constructions of dams for irrigation and livestock.

#### **135 Hawkesbury River County Council NSW Weeds Action Program administration**

That Local Government NSW lobbies the NSW Minister for Agriculture to urgently review the double handling of the NSW Weeds Action Program being undertaken by two NSW Government departments; NSW Primary Industries and Local Land Services, with a particular focus on the over burdensome reporting and auditing requirements applied to councils and County Councils.

#### **Note from Council**

The NSW Weeds Action Program is the primary means by which NSW Government empowers local government to function as Local Control Authorities (Weeds) under the Biosecurity Act 2015. This funding has a long history of over 60 years, for the vast majority of that time funds were directly provided from NSW Department of Primary Industries (DPI) to councils. Local government formed itself into regional networks and was given comparatively much greater freedom on the strategic expenditure for weed control, inspection and education. This approach is in line with the long held economic principle of subsidiarity (local people solving local issues).

Over recent years, NSW Local Land Services has been directed to join the process. Lodging another government body between DPI and local government. Their purpose is to provide improved regional weeds strategy. Whilst the integrity of this aim cannot be faulted, the ensuring result for local government has meant councils are layered with another NSW Government body to report and respond too.

The end result is that this is a costly and burdensome bureaucracy that is not achieving its intended aims (risk-based weed eradication). Local government is receiving less funding for on ground weed control than under previous models, and the funding that is received is eroded by extensive reporting and auditing requirements. Furthermore, local councils are given little ability to respond to local community weed issues by being forced to follow strict regional plans as they are locked into tight contracts with Local Land Service regions.

That Local Government NSW advocates to the NSW Government to increase the level of funding to local government to manage roadside weeds.

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

#### Note from Council

Yass Valley Council at its meeting of 23 September 2020 resolved that:

1. Following the success of the road reserve weed spraying trial that consideration be given within the 2021/22 Operational Plan for annual funding for a 'Priority Weeds' spraying program estimated at \$150,000
2. Council collaborate on weed management through the advocacy of the Canberra Joint Region Organisation, to seek support for additional funding.
3. A submission be made to LGNSW for a motion to the 2020 Conference.

The ownership (care and control) of public road reserves within NSW is governed by the Roads Act 1993. With the exception of Crown roads, freeways and 'private roads', and regardless of the designated manager of the road travelling surface, public road reserves (the land between property boundaries) are nominated as being under the care and control of local government as a road authority within NSW. This then confers additional responsibilities under other legislation in regards to Council's role as a landowner.

In accordance with the Biosecurity Act 2015, Council as landowner of road reserves and other land holdings, has a responsibility to manage 'priority weeds' on its land. s16 Biodiversity Act 2015 indicates that:

Reasonably practicable, in relation to the prevention, elimination or minimisation of a biosecurity risk, means that which is, or was at a particular time, reasonably able to be done, taking into account and weighing up all relevant matters including:

- (a) the biosecurity risk concerned, and
- (b) the degree of biosecurity impact that arises, or might arise, from the biosecurity risk, and
- (c) what the person concerned knows, or ought reasonably to know, about the biosecurity risk and the ways of preventing, eliminating or minimising the risk, and
- (d) the availability and suitability of ways to prevent, eliminate or minimise the biosecurity risk, and
- (e) the cost associated with available ways of preventing, eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.

The Yass Valley LGA borders the ACT and is a mix of urban areas, grazing and cropping properties, a cool climate wine area and major tourist destination – including weekend visitors from the Sydney area. The region is growing at one of the highest rates in NSW and provides a lifestyle for residents with housing choices from traditional urban, to peri-urban and rural living.

The Yass LGA has the Hume, Federal and Barton Highways running through it. These highways are a major pathway for the transmission of weeds through vehicle movement, slashing of roadside rest areas and limited weed control in those corridors. Many of the weeds that are relevantly recent to the Yass LGA (African Lovegrass, Chilean Needle Grass, Coolatai Grass) are not established further west in other adjoining LGA's, and would have a massive impact on rural production in those areas if they became established.

With the length of local roads in rural NSW this places a significant burden on rural councils without the capacity to increase revenues. Weed control is not restricted to Local Government boundaries so a whole of State or Region approach to roadside weed management and appropriate provision of funding should be led by the NSW Government.

With the return of favourable seasonal conditions the growth of weeds is prolific throughout most areas in the State. Provision of additional funds to councils will assist in appropriate controls being able to be undertaken.

That, in the wake of the 2019-2020 bushfires, Local Government NSW lobbies the Federal and State Governments to commit funding to take advantage of the unique opportunity to undertake effective and pre-emptive weed eradication initiatives to control the weed population, in particular blackberry, and reduce the potential fuel load for future fire seasons.

#### Note from Council

There are insufficient funds to manage Crown Lands to reduce the impact during fires especially bramble and other weeds that contributed significantly to the rapid spread of fire due to the fuel load. Better management of these weeds will have a complimentary effect on reduced fire loads and should be provided additional funds.

### 137 Randwick City Council

#### Global ban on the trade of wildlife

That Local Government NSW:

1. recognises that the demand for wild animals and wild animal products is a primary cause of the emergence and spread of zoonotic diseases such as COVID-19 and represents a severe risk to global health, and
2. Calls on the Federal Government to advocate for a global ban on the trade of wild animals and wild animal products.

#### Note from Council

Conference delegates have witnessed first-hand the impact of COVID-19 on the safety, wellbeing and livelihoods of our residents across NSW and how it has demanded action from all three levels of Government. While the Commonwealth and the States have wrestled with border closures and quarantining issues, councils have had to close venues and struggle to maintain service deliveries while debating the waiving of fees and charges amidst calls for rate and rent deferrals.

“As the economy slips deeper into recession there has never been a time when it has been more important for all spheres of government to work together to defeat the COVID-19 pandemic and rebuild the national economy.” (LGNSW State Pre-Budget submission, Aug 2020)

Sixty per cent of emerging infectious diseases are “zoonotic” meaning they are transmittable from animals to humans (WHO Regional Office for the Eastern Mediterranean). And the Global trade in wildlife has been specifically cited as a transmission mechanism.

“Threats to global health and risk factors for emerging infectious diseases run the gamut from climate change to poverty to security issues, but few are as immediately manageable as the global trade in wildlife. Trade in wildlife provides disease transmission mechanisms at levels that not only cause human disease outbreaks but also threaten livestock, international trade, rural livelihoods, native wildlife populations, and the health of ecosystems.” (Emerging Infectious Diseases journal, July 2005 “Wildlife Trade and Global Disease Emergence”)

There will be further pandemics. The global community was lucky when Ebola was contained, but not with COVID-19 six years later.

“With Ebola, we got lucky twice over: the deadly hemorrhagic pathogen, a filovirus, was not airborne, and the outbreak occurred in a remote region of the world with few linkages to population centers in Africa and no direct air routes to global cities. We also knew that we wouldn’t get lucky twice again. With urbanization and deforestation driving together species that don’t normally interact and “wet markets” selling wild animal meat across Africa and Asia, the world is developing in ways that significantly increase the likelihood that a zoonotic virus will jump from an animal host to a human.” (Foreign Affairs issue Sep/Oct 2020 “Ebola Should Have Immunized the United States to the Coronavirus” Christopher Kirchhoff, former 2015 member White House Ebola Task Force)

In addition to the direct health effects on persons, animal-related disease outbreaks cause billions of dollars of damage globally, destabilizing agricultural trade and devastating rural livelihoods.

“The rash of emerging or reemerging livestock disease outbreaks around the world since the mid 1990s, including bovine spongiform encephalopathy, foot-and-mouth disease, avian influenza, swine

fever, and other diseases, has cost the world's economies \$80 billion.” (Emerging Infectious Diseases journal, July 2005 “Wildlife Trade and Global Disease Emergence”)

Proactive positions by LGNSW on the pandemic policies of state and federal governments are needed if both urban and rural councils are to maintain satisfactory service deliveries given the high probability of future COVID-19's.

**138 Lachlan Shire Council** **Review of the new punitive measures for dangerous dogs**

That Local Government NSW lobbies the NSW Government to overturn the new punitive measures that have been introduced requiring an annual permit for owners of restricted dog breeds and dogs declared to be dangerous.

**Note from Council**

As of 1 July 2020, owners of restricted and declared dangerous dogs are required to pay for an annual permit of \$195, in addition to their one-off lifetime pet registration fee. Pet owners who fail to obtain an annual permit risk an on-the-spot fine of \$700 for restricted or dangerous dogs. If taken to court, maximum penalties of \$6,600 for restricted or dangerous dogs may apply. Owners of dogs that are both restricted and declared dangerous must pay for two permits (\$390 per year). A dangerous dog, can be any breed that has been formally declared dangerous by council or the court if the dog, without provocation, has attacked or killed a person or animal, repeatedly threatened to attack or repeatedly chased a person or animal, or is kept or used for hunting. In addition, the list of restricted dogs does not cover dogs that are mostly commonly involved in recorded attacks (e.g. Cattle dogs, German Shepherds, etc.) The introduction of an annual permit is considered to be a punishment for all owners of certain breeds rather than dealing with those owners (which are in the minority) that do the wrong thing.

The new permit requirements are likely to have an adverse impact on the registration of certain dogs, particularly in rural NSW. There are already significant costs associated with owning a dog which has, fairly or unfairly, been declared a dangerous dog and/or is a restricted dog and the process to prevent a declaration is costly and time consuming. As an owner of a dangerous dog, if you fail to comply with the requirements you face significant fines or imprisonment and your dog may be seized and destroyed. Given these measures, it is unfair to also require owners to pay an annual fine (which has been called a “permit”).

**139 Hawkesbury City Council** **Ban puppy farms**

That Local Government NSW:

1. Notes that:
  - a) animal welfare and the care and control of companion animals are state responsibilities in NSW but that these responsibilities are largely met by local councils,
  - b) unscrupulous breeding in puppy farms financially impacts on councils due to increased compliance costs and shelter, rehabilitation and rehoming costs, and
  - c) puppy farms are cruel and inhumane.
2. Notes that:
  - a) the Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017 (Vic) prohibited the sale of breeders' puppies in pet shops and restricts the number of fertile female dogs kept by breeders in Victoria,
  - b) Victoria's tougher regulations resulted in large-scale breeders indicating they are seeking sites in NSW to continue their activities, and
  - c) there is significant community concern that puppy farms have moved their operations to NSW to avoid regulation and scrutiny.
3. Urges the NSW Government to strengthen NSW Legislation to:
  - a) transition pet shops to registered not-for-profit adoption centres to rehome dogs and puppies from approved rescue organisations and shelters,
  - b) limit animals kept by breeders and owners, including by limiting numbers of fertile female dogs on premises,

- c) ensure breeder identifications numbers are required for all litters, including the removal of loopholes for “one-off litters”, and
  - d) instigate a common database and better co-ordination between enforcement agencies across jurisdictions.
4. Notes that euthanasia is a significant concern to councils and residents across NSW and is an animal welfare issue, and urges the NSW Government to act to reduce the rates of unwanted and abandoned animals by:
- a) funding free desexing programs and education programs for pet owners, especially in areas with high dumping rates, and
  - b) supporting more “pet-friendly” rental accommodation.

#### **Note from Council**

Puppy farms are cruel and inhumane, and they cause lifelong suffering to the breeding stock used in their operations. Victoria tightened its laws significantly some years ago and that is now paying off but part of that pay-off is that the breeders are moving into NSW, particularly semi-rural and urban fringe areas such as within Hawkesbury City Council where there are large blocks where operations can be hidden. These areas also give people access to the Sydney market. Council has done a lot of work to bring its animal shelter up to modern standards, and the numbers of dogs have reduced. The problem with overbreeding of dogs and dogs with serious health problems due to poor quality breeding is an issue which affects Councils across NSW because councils lead the compliance of dealing with dogs under the Companion Animals Act but councils are also the level of government that pays for animal shelters, often at a loss. The motion is an attempt to encourage the NSW Government to change its legislation in line with the Victorian legislation so that NSW isn't prey to unscrupulous breeders moving here.

#### **140 Hornsby Shire Council**

#### **Amendment to The Companion Animal Act 1998**

That Local Government NSW lobbies the NSW Government to amend the Companion Animal Act 1998 to prohibit cats from roaming onto public places and private property.

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

#### **Note from Council**

The cat population continues to increase and as a result there is a significant decline in our native wildlife. Extensive research has been completed to demonstrate the detrimental effect roaming cats have on our native wildlife. The Australian Threatened Species Strategy estimates that Australia has between 2.1 and 6.3 million feral cats and the Australian Wildlife Conservancy states that each feral cat kills between 5-35 animals a day. This gives a minimum estimate of 10.5 million native animals killed daily by feral cats. It is known that feral cats and domestic cats have contributed to over 20 mammal extinctions, as well as threatening the survival of at least another 124 native Australian animals at risk of extinction.

Recent legislative changes including the introduction of an annual permit for cats not desexed by 4 months and a reduction in registration fees for cats desexed by 4 months will not prevent cats roaming public and private premises and/or the management of feral cats.

Research indicates that a significant proportion of cat owners allow their cats to roam freely. Prohibiting cats from roaming would increase cat safety and minimise nuisance and native predation by cats, which is an aim of the Australian Cat Action Plan.

The Companion Animal Act 1998 must to be amended to provide council officers with legislative powers to prevent cats roaming to significantly contribute to curbing the rate of native animal extinction.

#### **Central Coast Council**

#### **Companion Animals Act change**

That Local Government NSW requests the Office of Local Government to amend section 29 of the Companion Animals Act 1998 to include:

- The owner of a cat must take all reasonable precautions to prevent the cat from escaping from the property on which it is being kept.

Maximum penalty— 8 penalty units.

(1A) The regulations may, for the purposes of this section, specify what constitutes or does not constitute reasonable precautions to prevent a cat from escaping.

(2) For the purposes of subsection (1), owner of a cat includes the person who is for the time being in charge of the cat.

#### **Note from Council**

The Office of Local Government outlines a number of strategies council may take in an effort to control cats. It does not, however, allow councils to require cats are to be kept on the owners property in a similar manner to dogs.

#### **Liverpool City Council**

#### **Stray cats in urban areas**

That Local Government NSW advocates for:

- i. Tighter restrictions on cat owners (including that all cats to be microchipped and desexed) to be included in the NSW Companion Animals Act 1998;
- ii. Council to be funded to provide services that identify stray cats that are not microchipped, nor desexed and found on the streets, to be microchipped, desexed and housed until rehomed; and
- iii. Changes to be made to Section 11 of the Prevention of Cruelty to Animals Act 1979 (NSW) to permit the release of cats under a Trap Neuter Return Program.

#### **Note from Council**

Increase of stray cats in suburban areas continues to grow to near plague proportions. Cats can breed at just 16 weeks of age and subsequently every 12 weeks after birth of any litter. Unless action is taken, the stray cat population will only continue to grow to plague proportions. Local government needs changes to the legislation and financial support to address this issue.

## CATEGORY 2 MOTIONS

Motions in this section are not proposed for debate because they are already:

- existing LGNSW policy (including as set out in the LGNSW Policy Platform which is updated following each year's Annual Conference;
- supported by Conference resolutions from recent years; and/or
- the subject of recent or ongoing representations by LGNSW.

LGNSW will use the content of these motions to strengthen our position and advocacy on these issues.

### ECONOMIC

#### X1 Central Coast Council

#### Rating pensioner discount

That Local Government NSW lobbies the NSW Government for 100% of pensioner rebates be paid back to councils.

##### Note from Council

NSW is the only State in which pensioner rebate (subsidy) is not fully funded by the State Government. Local government as an industry absorbs around \$65 million every year. It is noted that some State agencies receive full funding for the rebate.

Local government unquestionably supports concessions for pensioners but welfare and income support are matters for State and Federal Government.

##### Note from LGNSW

This is long standing LGNSW policy and has been the subject of resolutions over decades. LGNSW maintains the position that pensioner rate rebates should be fully funded by State and Federal Governments.

#### X2 Central Coast Council

#### Seeking financial assistance from the Federal Government

That Local Government NSW calls on the NSW Government to:

- a. Advocate for an increase in the contribution from the federal government to local councils on an ongoing basis, whether this be through Financial Assistance Grants or alternative funding arrangements.
- b. Advocate for the offer and expansion of federal programmes that provide fiscal stimulus for our local communities across NSW.

##### Note from Council

It is recognised that there is a need for financial stimulus for local communities, and, in particular, for rural and regional councils.

It is well acknowledged that there has been a relative decline in core federal funding to local government in the form of Financial Assistance Grants (FAGs). This funding is critically important to local government.

In 1996, FAGs were equivalent of around 1% of Commonwealth taxation revenue. This has fallen to almost half that amount.

##### Note from LGNSW

This motion fits within existing policy positions and is consistent with ongoing advocacy. This includes ongoing advocacy to have FAGs increased to 1% of total Commonwealth tax revenue.

#### X3 Cootamundra-Gundagai Regional Council

#### Cost shifting

That Local Government NSW continues to oppose ongoing cost shifting by the NSW Government to local government, such as the Emergency Services Levy, local council elections, and the Audit, Risk and Improvement Committee.

##### Note from LGNSW

This motion is consistent with long standing policy and advocacy positions of LGNSW on cost shifting and LGNSW continues to advocate on these issues.

**X4 Federation Council****Joint Organisations funding**

That Local Government lobbies the State Government to provide recurrent funding to continue to enable the Joint Organisation model to realise its full potential in strategic planning and delivery of projects and programs without placing the entire cost burden onto local councils.

**Note from Council**

RAMJO has quickly established itself as one of the, if not most advanced JO in the State. It is considered incumbent on the NSW Government to respect early movers who are working well to deliver with the State on regional and State priorities.

Recurrent funding is sought to continue to enable the JO model to realise its full potential in strategic planning and delivery of projects and programs without placing the entire cost burden onto local councils.

There does not seem to be enough progress since the 2019 LGNSW Annual Conference to suggest that the State Government is committing to this.

**Note from LGNSW**

This aligns with existing advocacy and existing position statement 3.7 in the LGNSW Policy Platform. LGNSW has made representations to the Minister and Government on this issue and continues to do so. Request has been included in 2020-21 NSW Budget Submission.

**X5 Georges River Council****Debt Management and Hardship Policy for NSW pensioners**

That Local Government NSW lobbies the NSW Office of Local Government and the Minister for Local Government to:

- a. Expand the mandatory provisions relating to pensioners and the payment of rates in the Local Government Act 1993 to:
  - i. Permit eligible pensioners to defer payment of rates until the sale of their properties, without being charged penalty interest and where the pensioner meets the eligibility criteria established in a council's adopted Debt Management and Hardship Policy;
  - ii. Permit eligible pensioners to pay their rates in monthly instalments, at no additional cost; and
  - iii. Require all NSW councils to adopt a Debt Management and Hardship Policy (or similar) to ensure vulnerable members of the community can arrange to pay their rates via a payment plan without penalty interest accruing.
- b. Prepare a Model Debt Management and Hardship Policy for introduction across all NSW local councils.

**Note from Council**

Georges River Council recently adopted a new Debt Management and Hardship Policy. The Policy was developed based on the Guidelines issued by the Office of Local Government in November 2018.

The purpose of the policy is to provide a consistent, fair and transparent framework that outlines council's commit to assisting customers who are experiencing adverse financial hardship, and offer payment arrangements such as interest free extensions and interest free payment plans to ease the burden. There are three types of payments arrangements available:

- Payment extension and lump sum payment - When payments are placed on hold for a period of time, and the full outstanding amount is paid in a lump sum on a specific date. A payment can be extended by up to six months.
- Payment extension and payment plan - When payments are placed on hold for a period of time, and upon an agreed date, commence payment of rates in smaller, regular instalments (weekly, fortnightly or monthly) over a period of time, up to 12 months.
- Payment plan only - payment of rates in smaller, regular instalments (weekly, fortnightly or monthly) over a period of time, up to 12 months.

In 2020/21, the following additional assistance was made available to support eligible pensioners. The new assistance includes the option for eligible pensioners to:

- pay their rates in monthly instalments at no additional cost
- defer payment of rates until the sale of their property without being charged penalty interest

With the uncertainty looming of the full economic impact of COVID-19 on local communities, it is essential the rating legislation enables relief to be provided for those most vulnerable.

**Note from LGNSW**

The changes/actions sought by the motion are already in place. No further action is required.

## **X6 Leeton Shire Council Treatment of RFS plant and equipment in council financial statements**

That Local Government NSW lobbies the Auditor General and the NSW Government to:

1. Acknowledge that the Rural Fire Service (RFS) is the Controlling Authority for rural fire service plant and equipment assets and that these assets should be recognised in the RFS Financial Statements and not local council General Purpose Financial Statements.
2. Cease the current practice of labelling the financial statements of councils that do not recognise RFS Plant and Equipment as an "Uncorrected monetary misstatement" in the Auditors' Engagement Closing Report.

### **Note from Council**

The Local Government Code of Accounting Practice and Financial Reporting requires councils to assess whether they control any rural fire-fighting equipment and recognise, in their financial statements, any material assets under their control. Like many NSW councils, Leeton Shire Council (LSC) has determined the Council does not control the rural fire-fighting equipment and therefore RFS plant and equipment has not been reported in the LSC General Purpose Financial Statements.

Under the current Auditor General, LSC's treatment of RFS assets has been declared incorrect and this has resulted in the LSC's Engagement Closing Report reporting an "Uncorrected monetary misstatement".

Leeton Shire Council and the Leeton Shire Council Audit, Risk and Improvement Committee (ARIC) are certain they have correctly determined that the RFS is the Controlling Authority for rural fire-service plant and equipment assets and that these assets need to be recognised in the RFS Financial Statements and not the LSC General Purpose Financial Statements.

The position as stated above has also been supported by the Riverina and Murray Joint Organisation of Councils and the Country Mayors Association of NSW.

### **Note from LGNSW**

This is already the subject of ongoing advocacy. The Auditor General has recently reconfirmed previous advice that the RFS assets in question are considered to be under council control.

## **X7 Clarence Valley Council Removal of RFS assets from local government asset registers**

That Local Government NSW lobbies the Office of Local Government to progress discussions to develop a plan for removal of all Rural Fire Service assets from council asset registers before 30 June 2022, at no financial impediment to local government.

### **Note from Council**

The NSW Auditor-General in her report on the Local Government 2016/17 financial audit recommended that 'the Office of Local Government should address the different practices across the local government sector in accounting for rural fire-fighting equipment before 30 June 2018".

As at 30 June 2020, various RFS assets remain on council asset registers, presenting a continuing financial/administrative burden to council with limited, or no, care and control responsibilities over the assets. Any review of the RFS following the recent 2019/2020 bushfires, should include transfer of all RFS asset ownership from councils to the RFS.

### **Note from LGNSW**

This motion is consistent with existing LGNSW policy, is supported by previous years' conference resolutions and is the subject of recent ongoing advocacy.

## **X8 Lismore City Council Services in regional cities**

That Local Government NSW requests the NSW Government to:

1. Continue its program of relocating government services from the metropolitan centres to regional cities as a mechanism to improve service delivery, more efficiently manage resources and support economic development goals.
2. Provide grants and tax incentives to encourage industries and small businesses to relocate to regional cities in order to provide employment opportunities and economic stimulus to those Cities
3. Provide financial assistance to enable skilled workers to move to regional cities to fill specialist vacancies in industries where no local expertise is available

### **Note from Council**

The contribution of regional cities to the prosperity of the State is vital. Moreover, there is potential for regional

economies to grow, diversify and become even more productive. The primary objective of this proposal is to stimulate growth and long-term job generation. These measures if enacted will result in more skilled people, small businesses and specialised industries relocating to regional cities in NSW.

Many Australian businesses are already looking to alternate opportunities offered in regional cities and towns. This shift is due in part to the challenges in operating in capital cities with increasing land and transport costs. Relocating to a regional city can offer more affordable land and infrastructure, with transport networks linked to major cities and export markets.

**Note from LGNSW**

These issues align with previous conference resolutions and are consistent with position statement 4 - Services in Rural Communities - in the LGNSW Policy Platform which calls for incentives from the NSW Government to encourage experienced and qualified staff to seek employment opportunities in Western NSW. LGNSW will continue advocacy on this matter.

**X9 Snowy Valleys Council**

**Council managed Crown Lands**

That Local Government NSW lobbies the NSW Government to enable local government greater management, divestment and approval abilities for Crown Land packages vested in councils, and provide appropriate funding to offset the additional cost and resource burden.

**Note from Council**

The State has difficulty in staff resources to administer the requirements they place on others for managing land under Crown ownership. Trust should be placed with the level of government closest to the people to manage the land by divesting ownership to freehold to the local government where this is requested and providing sufficient resources to local government to assist the state in managing these lands. Processes need to be simplified or adequately resourced from both the state and the crown land manager and this should not be a cost shifting exercise to local government.

**Note from LGNSW**

This has been the subject of past motions and action is already part of ongoing LGNSW advocacy. This includes our recent submission on the Crown Lands State Strategy.

**X10 Snowy Valleys Council**

**FAGs and disaster impacted council allocations**

That Local Government NSW continues to lobby the Federal Government to not only increase Financial Assistance Grants (FAGs) funding to 1%, but to include an additional roads and bridges allocation to disaster impacted councils for the restoration and repair of damaged road networks.

**Note from Council**

Rural/regional local governments do not have the density of population or the ability to generate income via parking and other means to enable sustainable facilities and services to the community at a affordable cost. Most local governments are reliant on funding and the decrease in support from the Federal Government has cost the community dearly at a time when cost shifting to the local level has increased dramatically and governance and administrative processes have also increased.

Whilst Council received funding for fire damaged road infrastructure and insurance for buildings there is a large component of work on recreation and other community assets that has gone unfunded. To date there has been no additional funding for the accelerated retrieval of black logs and the impact of the additional tonnages transported across the roads in a short period of 18 months in extreme wet weather conditions.

**Note from LGNSW**

This motion is consistent with ongoing advocacy by LGNSW in relation to FAGs and disaster recovery assistance. LGNSW has lobbied hard for disaster recovery funding and gains were made with funding for drought, bushfire and COVID-19 relief and recovery measures.

**X11 Wagga Wagga City Council**

**External audit costs**

That Local Government NSW and member councils advocate to the NSW Government to help reduce the cost of being audited.

**Note from Council**

Recently a number of councils have been required to be audited by the NSW Audit Office. The cost of this option over other organisations is close to doable. Allowing councils to tender for services provides two positives:

1. Potentially reduce cost of the audit process
2. Support local organisations ensuring funds spent by councils remain local.

**Note from LGNSW**

This is consistent with current advocacy and can be acted on without conference resolution. LGNSW will continue to make representations on the costs of audits.

**X12 Willoughby City Council**

**Bank investments**

That Local Government NSW forms a working group to advise councils interested in moving their investments to financial institutions with less exposure to the fossil fuel industry. The aim would be to gain further information about which financial institutions are strongly aligned with the fossil fuel industry to reduce risks from exposure from stranded assets in the longer term by seeking investments in financial institutions with less or no risk.

**Note from Council**

Request LGNSW to write to those banks in which NSW councils currently invest:

1. Seeking clarification on the amount of money the banks currently invest in coal and renewables;
2. Reports back to member Councils on the outcome of any such meetings and related correspondence.

Councils may be placing money with Australian banks that are not reflecting a global movement towards investments in renewable energy sources. Furthermore, local branches of the big four banks may not be investing residents money in the environmentally sustainable approach that their public profiles are suggesting.

**Note from LGNSW**

This issue has been the subject of previous motions to Annual Conference. LGNSW explored the possibility of collecting and providing this information to members. It was found that this information is already freely available on Ethical Investment websites. It was also found that the costs to LGNSW of collecting and maintaining accurate information (which would need to be updated daily) was prohibitive. There would also be a potential legal liability if LGNSW posted inaccurate or out of date information and if any "bank" was inadvertently not listed.

**ENVIRONMENTAL**

**X13 Bourke Shire Council**

**Wild dogs**

That Local Government NSW calls on the State Government to investigate additional strategy options and funding streams to assist land managers including councils throughout NSW to reduce the current wild dog problem that is significantly and adversely impacting the economy and environment across the State, particularly in Western NSW.

**Note from Council**

The State Government has allocated over \$35 million for the construction of a wild dog fence which, when constructed, will line the borders of much of NSW with QLD and SA. This funding will assist in stopping the dogs from entering this State. This investment is welcomed and appreciated and will have long-term benefits.

The issue now, however, is the large number of wild dogs that are within the state causing havoc for land managers, with the dogs breeding at an exponential rate. Urgent action is required to arrest this current problem to protect the use of council-managed land and the viability of grazing enterprises in the impacted parts of the State.

**Note from LGNSW**

This motion aligns with existing LGNSW policy, with the 2017 resolution that the NSW Government be called upon to ensure that adequate funding is available for the implementation of each component of the Wild Dog Management Strategy 2017-2021 to ensure its long term effectiveness. This motion will be actioned without further debate by Conference.

**X14 City of Canterbury-Bankstown**

**Expanding coverage of the NSW container deposit scheme**

That Local Government NSW calls on the NSW Government to expand coverage of the NSW container deposit scheme to include all glass beverage bottles.

**Note from Council**

Currently consumers can return glass beer and cider bottles through the NSW Return and Earn (container

deposit scheme) program but they cannot return wine or spirit bottles.

The bottles are made from the same material, are purchased from the same outlets and can be made into the same products after recycling. However, they have different and confusing disposal options. Furthermore, glass in the yellow bin can contaminate paper and the majority (by number) of glass bottles can already be diverted to the Return and Earn scheme.

Extending the container deposit scheme to include these bottles will improve recycling in NSW by putting a value on them, increasing the clean and separated glass stream, and creates a consistent recycling message for consumers.

**Note from LGNSW**

This motion aligns with existing LGNSW policy to support the NSW Container Deposit Scheme. LGNSW had advocated for the scheme for many years and extending the scheme to glass wine and spirit bottles is in line with this advocacy position and supports product stewardship.

**X15 Lismore City Council**

**Community-led climate resilience**

That Local Government NSW:

1. Endorses and advocates for recommendations in the Emergency Leaders for Climate Action Australian Bushfire and Climate Plan
2. Specifically calls for:
  - a. localised investment in community-led, resilience building community development projects.
  - b. localised investment in emergency preparedness, planning and resourcing.

**Note from Council**

<https://emergencyleadersforclimateaction.org.au/australian-bushfire-climate-plan/>. Over June and July 2020, ELCA brought together leading climate scientists, former and current emergency leaders, Indigenous fire practitioners, doctors, veterinarians, farmers, community leaders, social service providers, economists, mayors, bushfire survivors, and many other members of the community for the National Bushfire and Climate Summit 2020.

In a series of online roundtables, three central themes emerged. First, participants stressed the importance of urgent measures to tackle the underlying causes of our climate crisis, and to drive down emissions. They recognised that many communities and ecosystems were already being pushed beyond their ability to adapt, and that much more must be done to prevent more lives being lost, and more suffering being experienced by Australians and communities worldwide.

Second, experts across emergency services, land management and health services, all raised deep concerns that governments, especially the Federal Government, had and continue to underestimate or ignore the rapidly escalating threat of climate change. Consequently, our land management, fire and emergency services are under resourced, disaster recovery is under-resourced, and communities are underprepared for the worsening bushfire threat.

Third, participants recognised the inherent strength and resilience of local communities in responding to the challenges of climate change and worsening bushfires, and placed community leadership at the heart of many of their recommendations. However, there was recognition that communities cannot solve these challenges on their own and are often insufficiently resourced to deal with the new threat environment. Participants also recognised the vital role of First Nations people in partnering to better manage the Australian landscape, with a need for greater understanding, funding and support for Indigenous land and fire management.

**Note from LGNSW**

This motion aligns with existing LGNSW policy including position statements 2 and 10 in the LGNSW Policy Platform which call for the prioritisation of policies and programs to build climate resilience of councils and their communities with a range of funding mechanisms. LGNSW will continue to advocate for increased support to councils for climate change adaptation, risk mitigation and betterment measures.

**X16 Cabonne Council**

**Funding of renewable energy initiatives**

That Local Government NSW:

1. Congratulates the NSW Government on committing \$1.4 billion, through its Climate Change fund, to help households and businesses save energy and money as well as improve energy reliability and affordability.
2. Calls on the NSW Government to acknowledge:
  - a) Regional councils are high energy users, as they operate a broad range of services and

- infrastructure.
- b) There is uncertainty of the future energy supply to council infrastructure across regional NSW.
  - c) This is placing an increased financial burden of regional Councils and their communities.
  - d) NSW regional councils can assist the state to deliver a 35% cut in emissions by 2020, compared to 2005 levels.
3. Lobbies the NSW Government to support regional councils, through its Climate Change fund, by establishing a program which funds the installation of solar energy storage batteries at local government major energy consumption sites.

#### Note from Council

Councils currently have a number of high energy activities including water/sewerage supply, and maintenance and delivery of road infrastructure. This sees a growing effect upon local government's carbon footprint more broadly and as such councils will be increasingly to implement carbon reduction strategies to be in line with Federal and State targets. Many of the cost impacts of innovation and adaptation of energy cause pressure on councils operational and capital costs structures. The motion is put to seek support for those councils attempting to meet these increasing costs in line with the increasing expectation of the communities whilst remaining financial sustainable into the future.

#### Note from LGNSW

This motion aligns with existing LGNSW policy including position statements 4 and 10 in the LGNSW Policy Platform which call for the recognition of the higher costs of infrastructure and services in regional NSW as well as policies and practices that promote renewable energy and support for low carbon technologies through investment and concessions. LGNSW will continue to advocate for increased support to councils, especially in regional areas, to invest in zero or low carbon technologies.

#### X17 Strathfield Council

#### Funding of illegal dumping

That Local Government NSW requests the NSW Government allocate a percentage of the waste levy to all councils to help offset the costs in the investigation and collection of illegal dumping.

#### Note from Council

Reinvesting waste levy funds to offset the costs incurred in the investigation and collection of illegal dumping will not only assist with illegal dumping issues experienced by councils but also wider environmental issues.

The waste levy "is set to bring \$727 million to the NSW Government in the 2019-20 financial year... despite this, the State Government has only committed \$802 million of this revenue over nine years to waste management" (Government News, 7 March 2020).

By allocating a percentage of the waste levy to councils to offset costs associated with illegal dumping, it will ensure the preparedness of councils in seeking to combat this issue.

#### Note from LGNSW

This motion aligns with existing LGNSW policy including position statement 1 in the LGNSW Policy Platform which calls for the 100% reinvestment of the NSW Waste Levy, collected from community and industry, in a coordinated state-wide recycling and waste management approach to drive a circular economy.

#### X18 The Hills Shire Council

#### Expanded polystyrene

That Local Government NSW:

- a. Through its procurement arrangements, ban the purchase of Expanded Polystyrene (EPS) products as packaging and as containers for food and drink.
- b. Urges the State Government to regulate a ban on EPS in all forms where used as containers and packaging of products procured by State Government.
- c. Urges the Federal Minister for the Environment to regulate to ban the importation and sale of EPS used as a packaging material and containers for food and drink.

#### Note from Council

Expanded Polystyrene is plastic resin derived from oil. It's made by steaming tiny beads of resin with petrochemical gases and solvents to cause the beads to expand. The beads can then be moulded and steamed further to create moulded shapes. The resultant material is very lightweight, has very good insulating properties and is relatively cheap.

The downside is the very properties that make expanded polystyrene useful, cause it to be extremely mobile in the environment once discarded. It is able to be transported due to its weight very long distances by wind and

water. The material does not break down in the environment and a high proportion ends up in waterways. It is virtually indestructible and beyond the natural environment to manage. The particles are able to absorb toxins and become part of the food chain through ingestion.

Recycling expanded polystyrene is largely non-existent. While there are advocates for the material which point usefully to the benefit, there is no business case to support recycling the product and there is largely no market for its reuse and is cheaper to buy new forms.

There are many alternative forms of packaging that are renewable meaning we can easily live without expanded polystyrene especially for packaging and food containers. This product is not needed and there is no need to wait until 2025 to determine national packaging targets. It's in our best interests to act now.

**Note from LGNSW**

This motion is consistent with the 2019 Conference resolution that included mandating product stewardship schemes for problem wastes including packaging waste and continues to be the subject of ongoing advocacy from LGNSW. This motion covers the problem packaging waste of expanded polystyrene.

**X19 Wagga Wagga City Council**

**Standards for solar farm glare**

That Local Government NSW advocates for guidelines in relation to the impact of glare from solar farms on nearby residents.

**Note from Council**

There are standards for noise and odour, but none for glare for solar farms. With the increase in solar farms and the impact that some have on residents due to glare, there are no standards to assess the impact on proposals. This creates the challenge of either approving them and residents living with the consequences, or declining proposals for fear of the impact of glare that may not eventuate.

**Note from LGNSW**

This motion aligns with existing LGNSW policy including position statement 7 in the LGNSW Policy Platform which calls for the impacts of solar farms on neighbouring properties and communities to be properly considered in the state significant development process. LGNSW will continue to advocate for solar farm impacts, including glare, to be considered in the development process.

**GOVERNANCE AND ACCOUNTABILITY**

**X20 Bourke Shire Council**

**Legislative requirements**

That Local Government NSW calls on the Office of Local Government to recognise the fact that not all councils have the same demographics, similar sized areas, revenue streams and available staff resources when introducing or amending guidelines and or legislation that will impact on all councils.

**Note from Council**

The current "One Size Fits All" philosophy clearly does not work and was high-lighted by an earlier motion by Bourke Shire Council in relation to the makeup of the Risk Management and Internal Audit Committees.

Whilst acknowledging that the Local Government Act 1993 governs all councils and the provisions of that Act apply equally to all councils, rural and remote councils, simply do not have the resources to implement the legislative requirements.

**Note from LGNSW**

This motion is consistent with existing LGNSW policy and regular advocacy that seeks to avoid one-size-fits-all approaches from the NSW and Australian Governments. It is consistent with the fundamental principles of fairness and equity set out in the LGNSW Policy Platform.

**X21 Central Coast Council**

**Review matters of conflict**

That Local Government NSW:

- a. Notes that due to concerns around impropriety and conflict of interests, developers are currently required to disclose on the candidate information sheet whether they are a property developer or a close associate of a property developer.
- b. Investigates what other industries, occupations or interests (particularly those associated with and reliant on the development industry) may be considered to be a conflict of interest in the same way that being a developer is considered so currently.

- c. Surveys all NSW Councillors re options for the management of these conflicts of interest including the prohibition of candidates from conflicted industries, occupations or interests from contesting future local government elections.

**Note from LGNSW**

This motion is operational and does not need debate. LGNSW will action.

**X22 Lake Macquarie City Council**

**Allow Capital Improved Value for rating**

That Local Government NSW calls on the NSW Government to further explore options for a more cost-effective approach to the introduction of Capital Improved Valuations to calculate rates.

**Note from Council**

One of the key proposals in the IPART Review of the Local Government Rating System (IPART Rating Review) of February 2020 was to allow councils to shift to a Capital Improved Value (CIV) of calculating rates. Recommendations 1-7 of the review detailed these reforms. Local government stakeholders, in particular LGNSW, NSW Revenue Professionals and metropolitan councils, strongly support either mandating or at least giving councils the option to move to CIV. Their support is based largely on issues of equity, financial sustainability and to address discrepancies when rating strata properties (e.g. apartment blocks) to better reflect demand on council services.

IPART has attempted to address issues associated with population growth and rapid residential development, however, this proposal is dependent on the NSW Government supporting a move to CIV. Its initial response to moving to CIV was that the case for change was not clear and it was too costly, therefore this motion calls for the State Government to explore alternative cost approaches.

**Note from LGNSW**

This is LGNSW's current position. LGNSW already advocates that councils should have the option of utilising Capital Improved Valuations. This position has been advocated in submissions to IPART and the NSW Government.

**X23 Lane Cove Council**

**Vexatious residents**

That Local Government NSW investigates and lobbies the NSW Ombudsman to expand their current model policy and practice manual to include requests for information from residents that would be considered vexatious.

**Note from Council**

NSW councils have finite resources to provide residents with vital infrastructure and services.

Lane Cove Council is not opposed to the provision of information from residents however there sometimes are situations where the request is excessive, unreasonable, abusive, or disingenuous.

The NSW Supreme Court relies on the Vexatious Proceedings Act 2008 to rule that certain proceedings are vexatious and therefore the matter is struck out.

Section 6 of the Vexatious Proceedings Act 2008 defines vexatious proceedings as:

- a) Proceedings that are an abuse of the process of a court or tribunal, and
- b) Proceedings instituted to harass or annoy, to cause delay or detriment, or for another wrongful purpose', and
- c) Proceedings instituted or pursued without reasonable ground, and
- d) Proceedings that are conducted to achieve a wrongful purpose, or in a way that harasses, or causes unreasonable annoyance, delay or detriment, regardless of the subjective intention or motive of the person who instituted the proceedings.

In 2006 the Australasian Parliamentary Ombudsman began a collaborative project on Managing Unreasonable Complainant Conduct ('UCC'). The focus of this project has been to develop clear and practical strategies to help organisations and their staff manage their interactions with complainants whose conduct is identified as unreasonable.

To this end the NSW Ombudsman has developed and published the model policy and practice manual.

1. Managing unreasonable complainant conduct – a model policy and procedure
2. Managing unreasonable complainants conduct – practice manual

The model policy and practice manual developed by the NSW Ombudsman does not seem to deal with the issue of excessive requests for information that may be considered vexatious.

**Note from LGNSW**

This motion is operational and does not need debate. LGNSW will action by writing to the Ombudsman.

**X24 Lithgow City Council**

**Pre-polling duration**

That Local Government NSW writes to the NSW Minister for Local Government requesting that pre-polling be limited to one week only for NSW local government elections.

**Note from Council**

At LGNSW's Annual Conference in 2017 (and again in 2018) councils resolved that LGNSW petition the NSW Government to shorten the pre-poll voting period for local government elections.

The cost of running an election for NSW councils is a significant burden and for candidates who have full time employment it can be very difficult to make available the time to be present at pre-polling stations.

It would greatly assist council and candidates if pre-polling were limited to one week only for NSW local government elections.

**Note from LGNSW**

This motion aligns with existing position 18.5 in the LGNSW Policy Platform, which calls for pre-poll duration to be reduced to one week. LGNSW has advocated on this matter to the NSW Electoral Commission, Minister for Local Government and as part of its submissions to IPART on the costs of local government elections, and will continue to advocate on this matter.

**X25 Queanbeyan-Palerang Regional Council**

**Annual disclosures of pecuniary interests**

That Local Government NSW calls on the Information Privacy Commissioner to make the publication of councillors' and designated persons' annual disclosures of pecuniary interests and other matters on websites optional, or redact private residential address details for staff, noting that the disclosures will still be available through a public register.

**Note from Council**

Councillors and designated persons are required to lodge a disclosure of pecuniary interests and other matters by 30 September each year. These disclosures contain details about all their sources of income, trusts, private residences, property ownership including rental properties, shareholdings, debts, memberships, business interests and other matters. The disclosures are available upon request in a public register held by councils.

QPRC has serious concerns that publication of these disclosures on councils' websites, in accordance with the GIPA Act 2009 constitutes a gross invasion of privacy, the risk of identity theft and cyber surveillance, and the threat to personal safety through harassment and/or stalking.

**Note from LGNSW**

This motion aligns with existing LGNSW policy and is supported by 2019 Conference resolution 123. This matter is the subject of recent and ongoing LGNSW advocacy.

**INDUSTRIAL RELATIONS AND EMPLOYMENT**

**X26 City of Newcastle**

**Superannuation for Mayors and Councillors**

That Local Government NSW:

1. Notes that as a result of Federal and State taxation and local government legislation, elected Councillors in NSW are not paid superannuation;
2. Notes research from the Association of Superannuation Funds of Australia (ASFA) that the average superannuation balance for women in 2016 was 40% less than that for men. Notes that requiring the compulsory payment of superannuation to Mayors and Councillors in NSW would help bridge the superannuation gender gap and assist in attracting more diversity in local government;
3. Notes that at the 2017 Annual Conference, Local Government NSW adopted the following motion: "That Local Government NSW lobbies the NSW Government and Remuneration Tribunal to make it mandatory that Councils make superannuation payments to Mayors and Councillors and that these payments must be in addition to the stipend paid to elected officials. The superannuation payments would be at the Superannuation Guarantee rate, as determined by the Commonwealth and which varies from time to time.

Payments would be made to complying superannuation funds." (2017 Local Government NSW Annual Conference, Motion No. 80); and

- Writes to the Federal and State Ministers and Shadow Ministers for Local Government in support of the Local Government NSW motion, requesting amendment to relevant State and Federal legislation requiring Councillors to be paid compulsory superannuation, as has been the case since 1991 for all.

#### **Note from Council**

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

#### **Note from LGNSW**

This motion aligns with existing LGNSW policy, and specifically position statement 19 in the LGNSW Policy Platform which calls for amendments to legislation to require compulsory superannuation payments to councillors and mayors at the rate equivalent to the rate set out in the Superannuation Guarantee (Administration) Act 1992. LGNSW regularly advocates for superannuation for councillors, including this year in response to the Office of Local Government's Councillor Superannuation Discussion Paper in May 2020.

#### **X27 Federation Council**

#### **Councillor remuneration**

That Local Government NSW requests that the NSW Government engages with councils, and prepares in conjunction with the Local Government Remuneration Tribunal, new increased councilor remuneration thresholds for all councils, to more adequately reflect the workload, training and increased representation demanded of councils.

#### **Note from Council**

Council noted the recent Local Government Remuneration Tribunal and the creation of a new category of councils to enable increased remuneration for Councilors in those councils. This does not reflect the overall underpayment of councils to at least part reimburse their time required to actively participate as an effective Councillor.

More than ever councils need to attract the most diverse representation of their community as elected representatives. This is not possible under the current scheme, and in many ways could be seen to favour those who are retired, those who run their own business and can afford significant time off, and or those who are wealthy. There are obvious areas where the payments do not go anywhere near reflecting the workload, especially those in merged councils, and councils between 10,000 – 20,000 in population with large land areas/many towns and villages, who do not seem to be adequately reflected.

#### **Note from LGNSW**

This motion aligns with existing LGNSW policy, and specifically position statement 19 in the LGNSW Policy Platform which calls for remuneration that better reflects the workload and accountability of elected representatives. LGNSW regularly advocates for increased remuneration for councillors and makes an annual submission to the Local Government Remuneration Tribunal.

#### **X28 Tweed Shire Council**

#### **Councillors' remuneration**

That Local Government NSW writes to the Minister for Local Government to request that NSW local government Councillors being fairly remunerated based on the fiscal, legal and community responsibilities of their roles and the time required for representation of the relevant population base.

#### **Note from Council**

The role of a Councillor can necessitate a significant demand on time, requiring skills in such diverse areas as strategic thinking, financial management, local government legislation, community engagement, communications, conflict resolution and resilience.

Whilst the demands can be different based on council area, population, demographics, development demands, diversity, business activity and economic/environmental significance, NSW local government would be better served by Councillors who can commit the time and skills needed to adequately perform the role without having to seek alternative employment.

The 'A NEW RISK MANAGEMENT AND INTERNAL AUDIT FRAMEWORK' for local councils in NSW discussion paper released September 2019 suggests that the fees paid to the Chair and members of Audit, Risk and Improvement Committee are to be the same as those currently paid under the NSW Government's pre-qualification scheme. This, in many cases, would see the Chair of Audit, Risk and Improvement

Committee's receive a higher fee than the minimum Councillor fee as outlined in the Local Government Remuneration Tribunal – Annual Report and Determination – 10 June 2020.

**Note from LGNSW**

This motion aligns with existing LGNSW policy, and specifically position statement 19 in the LGNSW Policy Platform which calls for remuneration that better reflects the workload and accountability of elected representatives. LGNSW regularly advocates for increased remuneration for councillors and makes an annual submission to the Local Government Remuneration Tribunal.

**X29 Tenterfield Shire Council**

**Group training schemes for smaller regional & rural councils**

That Local Government NSW investigates instruments to support the delivery group training schemes to allow councils without scale to participate in developing not only their next workforce, but the wider local government workforce as an industry.

**Note from Council**

Smaller councils, particularly rural, have difficulty in supplying the variety of work experience to apprentices and trainees that would entice someone to take up a career in the industry. Moreover, whilst a smaller council may be able to afford to employ a trainee or apprentice for some of their training period, not all councils can afford to employ for the whole duration.

Group training schemes, such as Riverina Group Training and Employment Ltd, overcome the difficulty of scale, cost, variety of employment, and capacity for an individual council to procure trainees and apprentices. Although larger regional centres have far less of a challenge to attract those starting in the workforce this will at present remain a challenge to other smaller councils, but also, much more importantly, their communities. As the wider community too have difficulty attracting and retaining trainees and apprentices.

**Note from LGNSW**

This motion is operational and does not need debate. LGNSW will action by increasing engagement with councils and Group Training Organisations to facilitate the placement of trainees and apprentices, particularly in smaller regional and rural councils.

**INFRASTRUCTURE AND PLANNING**

**X30 Cabonne Council**

**Regional water strategies**

That Local Government NSW urges the NSW Government to actively pursue the development of long term water infrastructure in Regional NSW as recommended in the Regional Water Security Strategies currently being developed by Department of Planning, Industry and Environment Water

**Note from Council**

The 12 Regional Water Strategies which are currently being developed across regional NSW provide a unique opportunity for NSW councils to actively participate in long term water infrastructure planning which will have a lasting impact on regional NSW. The NSW Government, through the DPIE Water are to be congratulated for taking such a strategic long term approach to regional water management, building on the lessons learnt for the current drought, and recognising the vital issue long term water security plays for regional and rural communities. NSW councils welcome the opportunity to actively participate in the development of these strategies, however this work needs to be translated into real and lasting water infrastructure projects as a matter of urgency. With funding secure under the \$4.2 billion Snowy Hydro Legacy Fund which has as its core focus "Ensuring ongoing access to a reliable water supply" to "support farmers and regional communities, and reduce the long term impact of drought," there has never been a better opportunity to address water security in regional NSW and leave a lasting legacy for future generations.

**Note from LGNSW**

This motion is broadly covered by previous conference motions and is consistent with LGNSW policy positions on drought and water security. LGNSW recently made a submission covering the issues raised in this motion in response to the Productivity Commission Review of the National Water Initiative.

**X31 Federation Council**

**Regional roads classification review**

That Local Government NSW requests the NSW Government to ensure councils are not worse off financially and or socially (jobs) in any changes to the regional roads network because of the review underway, that proposes to transfer some regional roads back to the State Government.

### **Note from Council**

The proposal by the State Government to 'take back' up to 15,000 of regional roads, is an unknown for councils. Many rural and regional councils rely on this network and the funding that comes with it, to support a large portion of their workforce and fleet.

Council seeks the support of LGNSW to lobby the State Government, to ensure councils are not worse off financially and or socially (jobs) in any changes made to the Regional Roads network, when roads are taken back under the State Government.

### **Note from LGNSW**

This motion is consistent with existing LGNSW policy and continues to be the subject of ongoing advocacy from LGNSW. LGNSW has met with the independent panel and conveyed these concerns expressed by councils and has also written to the Minister for Regional Transport and Roads in relation to these matters.

### **X32 Federation Council**

### **Unused rail corridors**

That Local Government NSW calls on the State Government to accelerate and hand back to councils, unused rail corridors in towns across the State to allow developments such as walking tracks, rail trails, and access to other development opportunities to occur.

### **Note from Council**

Request that the State Government accelerate and hand back to councils, unused rail corridors in towns across the State where they are of strategic benefit to a town/village/area.

There are examples all over regional NSW where unused rail corridors, where there is zero chance of rail every been introduced again. Dealing with ARTC and or John Holland is usually excruciatingly slow and holds up development.

### **Note from LGNSW**

This motion is consistent with existing LGNSW policy and continues to be the subject of ongoing advocacy from LGNSW. LGNSW meets with Transport for NSW on a regular basis and will raise this matter again at our next meeting.

### **X33 Kempsey Shire Council**

### **Impounding of motor vehicles**

That Local Government NSW lobbies the NSW Government to amend the Impounding Act 1993 to permit the immediate impounding of abandoned vehicles were they may in the future present a hazard to public safety.

### **Note from Council**

Vehicles perceived as being abandoned are being targeted for stripping and/or destroyed within a few days of being left on the roadside. This is occurring with greater frequency in both remote and semi-urban areas. Once a vehicle is stripped or destroyed the owners desire to recover the vehicle is generally gone.

The impounding of motor vehicles is controlled by the Impounding Act 1993 – Section 16\*, which specifically outlines special procedures for the impounding of motor vehicles. The process dictates that an impounding officer must make all reasonable inquiries in the effort to find out the name and address of the owner of the motor vehicle before impounding the vehicle. The Ranger must provide a written notice (hand or post delivery) to the owner to remove the vehicle, with a minimum period of 3 days. After the period elapses the vehicle can be impounded and if under \$500 value immediately destroyed, otherwise it can be auctioned. However, a vehicle causing a traffic obstruction or considered a likely public danger can be impounded immediately. Given the legislation has a specific arm that justifies the immediate removal of a vehicle, it would be most advantageous for this to be expanded to include where the vehicle is likely to be stripped or destroyed as the legislation does not contemplate damage to the vehicle left in a public place.

### **Note from LGNSW**

The motion is broadly covered by previous conference motions and policy and will be advanced through ongoing advocacy. LGNSW meets with TfNSW on a regular basis and will raise this matter with its senior management at our next meeting and advise council of the outcome.

### **X34 Kyogle Council**

### **Regional roads**

That Local Government calls on the State Government to recognise the state of disrepair of rural roads and honour its election commitment to resume 15,000 kms of regional roads, and/or provide a dedicated funding stream for long neglected rural infrastructure allocated on a need basis.

**Note from LGNSW**

This motion is consistent with existing LGNSW policy and continues to be the subject of ongoing advocacy from LGNSW. LGNSW has met with the independent panel and conveyed these concerns expressed by councils and has also written to the Minister for Regional Transport and Roads in relation to these matters.

**X35 Wagga Wagga City Council****Airport security upgrade costs**

That Local Government NSW advocates to State and Federal Governments for support in the cost of airport security screening for regional airports.

**Note from Council**

Increasing security requirements for regional airports have significant impacts, not just on airlines themselves, but on councils who have to redesign terminals to meet constantly changing security requirements. Support is needed from all levels of government to ensure new requirements can be met without the full burden of cost being placed onto local councils.

**Note from LGNSW**

This motion is consistent with LGNSW policy which is to reduce cost-shifting on to local government. It is also the subject of recent advocacy in LGNSW's submission to the Department of Infrastructure on the Future of Australia's Aviation Sector.

**X36 Willoughby City Council****Boat trailer parking restrictions**

That Local Government NSW:

1. Seeks endorsement from Transport for New South Wales (TfNSW) to extend the current 28 day boat trailer parking restrictions to all trailers and caravans not attached to the vehicle.
2. Notes that it is recommended that any expansion of trailer and caravan restrictions be an 'opt-in' choice for local councils to allow for flexibility across different local government areas i.e. outer suburban and regional areas where demand for on street parking is not at levels as it is in city areas like Willoughby or where there is a need for tradespeople to park work trailers for extended periods etc.

**Note from Council**

Currently councils can opt-in to enforce a 28 day limit on boat trailers on unrestricted parking zones after which time they have to be moved on.

The demand for on street parking in Willoughby is at a premium. Residents are increasing writing to Council to complain about trailers of all varieties being left for extended periods of time often blocking access to narrow roads and taking spaces from resident vehicles.

A change in restrictions would provide a clearer rule for all trailers and would ultimately provide more parking for residents and their visitors.

**Note from LGNSW**

This motion is consistent with previous motions on trailer parking in council areas and aligns with LGNSW advocacy. LGNSW meets with TfNSW on a regular basis and will raise this matter with its senior management at our next meeting and advise council of the outcome.

**SOCIAL AND COMMUNITY****X37 Bourke Shire Council****Historic cemeteries - preservation & funding**

That Local Government NSW lobbies the State Government, via the Department of Planning, Industry and Environment, to institute a funding stream to allow the preservation and maintenance of historic cemeteries across the State.

**Note from Council**

Cemeteries are a very important part of our history and often give an insight as to the conditions and circumstances that were being experienced at certain periods of that history.

Unfortunately, the upkeep of these important parts of our history are often beyond the financial capacity of many councils and the community groups that maintain the cemeteries. Many graves have suffered subsidence and significant weathering and are in need of repair and if possible, restoration.

Many cemeteries are no longer used but still need ongoing upkeep and in some instances, the fencing is almost non-existent. Quite often, the graves that are in need of repair and or protection are those belonging to those who were both famous and infamous in Australian History.

The provision of funding and with the cooperation of councils and other agencies will go a long way to addressing the issue.

**Note from LGNSW**

This motion aligns with existing LGNSW policy, and specifically resolution 100 of the 2019 Annual Conference which called for the NSW Government to provide financial support for the restoration and remediation of cemeteries.

**X38 Camden Council**

**BINS4Blokes men's health initiative**

That Local Government NSW advocates that the BINS4Blokes men's health campaign initiative be taken up by all councils throughout NSW.

**Note from Council**

BINS4Blokes is a men's health campaign and initiative of the Continence Foundation of Australia, supported by a member of Australia's leading men's health and health professional organisations.

1.34 million boys and men across Australia experience incontinence. The campaign encourages providers of toilets in public spaces to include disposal bins for incontinence products in male toilets. These providers include local governments, business owners, shopping centres or sporting stadiums. The campaign also encourages boys and men who experience incontinence to engage with the National Continence Helpline by calling 1800 33 00 66 or emailing [helpline.continence.org.au](mailto:helpline.continence.org.au). The Continence Foundation website has an extensive suite of material including posters that can be printed and used in bathrooms to alert men to the presence of a disposal bin.

**Note from LGNSW**

This motion is operational and does not need debate. LGNSW will action by communicating this initiative to members in the LGNSW Weekly newsletter.

**X39 Liverpool City Council**

**Renew our Libraries Phase 2**

That the NSW Conference advocate for:

- i. A sustainable State funding model for the ongoing provision of public library services; and
- ii. Bi-partisan support for Consumer Price Index indexation of state funding for NSW public libraries, as well as legislation of all elements of the 2019-20 to 2020-23 NSW State funding model.

**Note from Council**

The NSW Public Libraries Association's (NSWPLA) Renew Our Libraries funding campaign secured a \$12.95 million increase in grants and subsidies funding for NSW libraries in the 2019/20 NSW State budget – the largest single increase in funding since the introduction of the Library Act in 1939. The average increase in State funding contributions paid to NSW councils for expenditure on library services in 2019/20 is 72.9% more than 2018/19 funding. This positive outcome is thanks to the efforts of more than 80% of NSW councils (ours included) to support the Renew Our Libraries campaign.

NSWPLA recently relaunched Renew Our Libraries Phase Two, focusing on the future sustainability of library funding through cost of living indexation and protection via inclusion of the new funding arrangements in library legislation. This step is critical to ensure that councils will receive the increased level of library funding in perpetuity, and in step with future cost of living increases. Without this assurance, funding for our libraries can easily diminish over time, leaving NSW councils to once again meet the shortfall. It is important to note that Renew Our Libraries Phase Two seeks to index the funding and protect the future funding for libraries provided by the NSW government, regardless of which party is in power at any given time.

**Note from LGNSW**

This motion aligns with existing LGNSW policy, and specifically positions 15.1 and 15.2 in the LGNSW Policy Platform which call for the NSW Government to create a sustainable funding model for public libraries that indexes funding to CPI and is protected in legislation. LGNSW continues to advocate for increased NSW Government funding for public libraries, including through the Public Libraries Consultative Committee.

**X40 Wingecarribee Shire****Increased funding for Libraries**

That Local Government NSW continues to actively lobby the State Government for increased funding for libraries.

**Note from Council**

The NSW public library network is a cohesive, State-wide network based on cooperation between council public libraries and the State Library of NSW. Changing demographics, community demand for a wider variety of library services and programming, an increased variety of collection formats, new technologies and e-government have created both enormous opportunities and challenges for the delivery of public library services and have resulted in increased pressure on library budgets. Public libraries are no longer solely store-houses of information but also fulfil an important educational, cultural and social role within the community particularly as a place for people to integrate within society in a world that has changed significantly as a result of the restrictions delivered due to COVID-19. Libraries across the state will need to incorporate long term measures to ensure public health and wellbeing in a COVID-19 environment.

**Note from LGNSW**

This motion aligns with existing LGNSW policy, and specifically positions 15.1 and 15.2 in the LGNSW Policy Platform which call for the NSW Government to create a sustainable funding model for public libraries that indexes funding to CPI and is protected in legislation. LGNSW continues to advocate for increased NSW Government funding for public libraries, including through the Public Libraries Consultative Committee.

**X41 Wagga Wagga City Council****Adult lay down change facilities**

That Local Government NSW continues to advocate for adult lay down change facilities to be installed on NSW highways.

**Note from Council**

Due to COVID-19 we have all experienced recently being restricted in travel, from visiting family and friends, to not being able to attend appointments or other events. For many with a disability this is a challenge faced every day due to the lack of appropriate bathroom facilities along the highways of NSW. This leaves the options of either not travelling, being changed on the floor of public bathrooms, or remaining in soiled nappies until an appropriate facility is reached many hours away. Installing adult lay down change facilities means that travelling throughout the state becomes a possibility.

**Note from LGNSW**

This motion is consistent with a 2018 conference resolution on this matter and also position statement 18 - Strong and Inclusive Communities - in the LGNSW Policy Platform. It also aligns with ongoing advocacy of LGNSW to call for funding for adult lay down facilities in key locations.

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