

LGNSW Special Conference 2022

Record of Decisions

F1 LGNSW Board

Standing Orders

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

Decision: Carried

F2 LGNSW Board

LGNSW (Federal) rules

1. That Local Government NSW, being a registered organisation under the *Fair Work (Registered Organisations) Act 2009* (Cth) (the “**Association**”) amend the Association’s rules as follows:
 - (i) At rule 32 of the LGNSW rules, delete the words “four (4) months” and insert in lieu thereof the words “three (3) months”.
 - (ii) Delete rule 33(b) of the LGNSW rules and insert in lieu thereof the following:
 - “(b) Subject to these rules, where a Special Conference is called for under sub-rule (a) of this Rule the Chief Executive shall convene a Special Conference for a date not later than four (4) weeks after the receipt of the notice calling for the Conference.
 - (c) If a Special Conference is called for by resolution of the Board, the Board may specify the date(s) on which the Special Conference is to occur, and the Chief Executive shall convene a Special Conference on the date(s) so specified. For the avoidance of doubt, the date of a Special Conference called for by resolution of the Board may be more than four (4) weeks after receipt of the notice calling for the Conference.”
 - (iii) Delete rule 43(d) of the LGNSW rules and insert in lieu thereof the following:

“(d) ceases to be eligible under the Rules to hold office as a Director, provided that a Director continues as a Director during the intervening period between the day of a local government general election and the declaration of the results of that election if they are a candidate in the election.”
 - (iv) Delete rule 50 of the LGNSW rules and insert in lieu thereof the following:

“50. Subject to rule 43(d), a person ceases to be eligible to hold office as a Director and vacates his or her position as a Director (by operation of this Rule and without any further action) upon him or her ceasing to be a Councillor of an Ordinary member, or otherwise ceasing under these Rules to be eligible to be a Director.”
2. That in furtherance of 1 above, the Association make application to the Fair Work Commission to amend the Association’s rules.

Decision: Carried

Association business

1 LGNSW Board

Standing Orders

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

Decision: Carried

2 LGNSW Board

LGNSW Fundamental Principles

That the Local Government NSW 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.
 - **Commit to the principles of the circular economy and minimise the consumption of finite natural resources**

Social and Community

- G - Local government is committed to the principles of:
 - Equity – fair distribution of resources

- Rights – equality for all people
- Access – to services essential to quality of life
- Participation – of all people in their community
- Recognition – of the unique place of Aboriginal people in NSW and the right of Aboriginal people to be involved in all decisions affecting Aboriginal communities
- Health and Safety – for all in the community.

Governance

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

Accountability

- K - Local government is responsible and accountable to the citizens and the communities it represents, through consultative processes, legislative accountabilities, efficient delivery of services and effective customer service.
- L - Local government is recognised as a responsible and place-based employer.
- **M - Local government reduces and mitigates the risk of climate change for the communities we serve**

Decision: Carried (with amendments)

Financial Sustainability

3 LGNSW Board

2022-23 rate peg determination

That Local Government NSW:

1. Implores the NSW Government to urgently intervene and overturn IPART's aberrant base line rate peg determination of 0.7% for 2022-23 to ensure that no council is financially disadvantaged.
2. Notes that this shock determination will have a devastating impact and exacerbate the financial impacts on councils and communities of natural disasters and the ongoing COVID pandemic. The total shortfall in rate revenue is estimated to be \$80-\$100 million in 2022-23, with a compounded impact of up to \$134 million over ten years. This issue goes to the very survival of many councils in NSW and the Government is urged in the strongest manner possible to take immediate action to save the sector from financial ruin.
3. **Calls on the NSW Government to provide councils across NSW an operating grant equivalent to the revenue difference between a 0.7% rate increase and what a 2.5% rate increase would have been, noting this will still not adequately cover the cost increases being experienced by NSW Councils.**

Decision: Carried (with amendment)

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

Bellingen Shire Council

Review of the IPART determination

That Local Government NSW urges the NSW Government to overturn and undertake a review of the Independent Pricing and Regulatory Tribunal (IPART) determination that properly considers Award and Consumer Price Index increases, in addition to COVID and supply chain impacts.

Newcastle City Council

Remove crippling rate pegging in NSW

That Local Government NSW:

1. Reiterates the long-held position that rate pegging is crippling councils in NSW, and that this problem has been further exacerbated by the recent IPART baseline rate cap of just 0.7% (rising for councils experiencing population growth), which is lowest rate cap in more than 20 years and is a kick in the guts to local councils who are already working hard to help their communities recover from the economic and social impacts of the ongoing COVID-19 pandemic;
2. Notes that City of Newcastle's 1.2% (accounting for population growth) cap, will have significant repercussions on local services to the community and will leave NSW's second largest city with a reduction in compounded income of more than \$15 million over the next ten years.
3. Notes that IPART's decision is based on the cost of goods in 2020 and does not recognise the increase in the cost of essential commodities such as fuel, while further noting that IPART has also decided to apply the public service wage increase of 1.2%, instead of the 2% guaranteed to council workers for 2022, leaving local councils even further out of pocket as yet more costs are shifted to local government;
4. Notes that according to the NSW Productivity Commission, cumulative negative impacts of over 40 years of rate pegging include the loss of an estimated \$15 billion in rate revenue, and that the democratic process of local government elections is the most powerful protection against exorbitant rate rises;
5. Writes to the new Minister for Local Government, advocating for the removal of universal rate pegging in NSW, allowing duly elected councils to set rates, in consultation with their communities, noting that the baseline rate cap of just 0.7% in 2022 is set to have a devastating economic and social impact for many local councils and the communities they serve.

Murray River Council

2022/2023 FY rates cap

That Local Government NSW advocates to the NSW Government to urgently review and amend the 2022/2023 FY rates cap, raising to a minimum of 2.5% (plus growth allowances), to allow the continuation of services to be maintained to community expectations.

Bega Valley Shire Council

FY2023 rate peg

That Local Government NSW:

1. Reiterates the long-held position that rate pegging is crippling councils in NSW, and that this problem has been further exacerbated by the recent Independent Pricing and Regulatory Tribunal (IPART) baseline rate cap of just 0.7%, the lowest rate cap in more than 20 years, further restricting councils who are already working hard to help their communities recover from the economic and social impacts of natural disasters and the ongoing COVID-19 pandemic;
2. Notes that the rate cap will have significant repercussions on local services to the community with a reduction in compounded income of more than \$3.1 million over the next ten years.
3. Notes that IPART's decision is based on the cost of goods in 2020 and does not recognise the increase in the cost of essential commodities such as fuel. Further noting that IPART has decided to apply the public service wage increase of 1.2%, instead of the 2% guaranteed to council workers for 2022, leaving local councils even further out of pocket as more costs are shifted to local government;
4. Notes that according to the NSW Productivity Commission, cumulative negative impacts of over 40 years of rate pegging, and that the democratic process of local government elections is the most powerful protection against exorbitant rate rises;

5. Calls on the NSW Government to provide councils across NSW an operating grant equivalent to the revenue difference between a 0.7% rate increase and what a 2.5% rate increase would have been, noting this will still not adequately cover the cost increases being experienced by NSW councils.

4 Blacktown City Council

Inadequacy of IPART rate growth formula for growth councils

That Local Government NSW calls on the NSW Government to provide an adequate mechanism for growth funding to growth councils to fund the costs of infrastructure and services in new release areas.

Decision: Carried

5 Forbes Shire Council

Financial Assistance Grants

That Local Government NSW urges the Federal Government not to make changes to the methodology of Financial Assistance Grant funding until it is valued back to 1% of Commonwealth tax revenue.

Decision: Carried

Note from Board

This motion directly conflicts with motions 6 (Kyogle), 7 (Moree Plains), and 8 (Hay). Therefore, if carried, this motion would negate motions 6, 7 and 8 (i.e. they would not be debated).

6 Kyogle Council

Review of federal Financial Assistance Grants

That Local Government NSW:

1. Calls on the Federal Assistant Minister for Local Government to remove Part 1 Sec 6 2b of the *Local Government Financial Assistance Act 1995* to avoid the mandatory minimum per capita grant amount, as per the resolution passed at the Australian Local Government Associations National General Assembly in 2019.
2. Reviews its policy position on the Federal Government's Financial Assistance Grants to reflect the resolution passed at the ALGA 2019 National General Assembly, and remove the pre-requisite of additional FAGs funding to be provided before any changes in the formula are made, and call on the ALGA to do the same.
3. Calls on the NSW Local Government Grants Commission to do everything within its power to ensure that no Council receives less than their 2020 FAGs allocation in the future, and that there be transitional arrangements put in place to ensure that the FAGs are distributed in accordance with the principles of horizontal fiscal equalisation as outlined in the Local Government Financial Assistance Act should the Australian Government make the proposed changes to remove the minimum per capita grant amount.

Decision: Lost (as a result of motion 5 being carried)

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

Note from Board

If motion 5 (Forbes) is carried, it would negate this motion (i.e. it would not be debated). See Note from Board under motion 5.

Hay Shire Council

Financial Assistant Grant general purpose minimum per capita allocation

That Local Government NSW:

1. Supports the removal of the per capita minimum grant allocation of the General Purpose Component of the Federal Government's Financial Assistance Grants.
2. Calls upon all Australian state and territory local government associations to support flexibility within the 30% of the General Purpose Component of the Federal Government's Financial Assistance Grants allocated as a per capita minimum grant, and their representative express this view with the Australian Local Government Association.
3. Calls upon the Australian Local Government Association board to support flexibility within the 30% of the General Purpose Component of the Federal Government's Financial Assistance Grants allocated as a per capita minimum grant, and amend legislation to that effect.
4. Calls upon the NSW Minister for Local Government to seek recommendation from the NSW Grants Commission regarding reducing the General Purpose Component of the Federal Government's Financial Assistance Grants allocated as a per capita minimum grant from 30% to 0% to allow the Commission to directly fund those most in need, in an equitable and objective manner as per NSW Government policy objectives.

7 Moree Plains Shire Council

Federal Financial Assistance Grants

That Local Government NSW makes representation to the NSW State and Federal Treasurers, advocating the recommendation that the Financial Assistance Grant provided to Local Government via the States, be varied to include consideration for regional LGA's productivity gains. In the case of Moree Plains LGA for example, the consistently high income derived from the diverse agricultural production, from which the Commonwealth and consequently the States benefit greatly from in the form of G.S.T. revenue, be reflected in the amount allocated to build and maintain the road network that the freight component of the agricultural supply chain in this region so greatly depends upon.

Decision: Lost (as a result of motion 5 being carried)

Note from Board

If motion 5 (Forbes) is carried, it would negate this motion (i.e. it would not be debated). See Note from Board under motion 5.

8 Hay Shire Council

Financial Assistance Grants fairer criteria and distribution

That Local Government NSW calls upon the State Government to have the Financial Assistance Grants redistributed to recognise the specific challenges small and rural councils face regarding disability expenditure, such as Emergency Services Levy, disproportionate IT and Insurance costs, and provision of tourism, medical and

recreation and culture services when compared with larger regional and metropolitan councils, with limited ability to generate additional income.

Decision: Lost (as a result of motion 5 being carried)

Note from Board

If motion 5 (Forbes) is carried, it would negate this motion (i.e. it would not be debated). See Note from Board under motion 5.

9 Hay Shire Council

Cost shifting onto local government

That Local Government NSW calls upon the State Government to undertake an urgent review into the cost shifting from the State to local government, particularly in the areas of emergency services, external audit, crown land management, planning, companion animals, underground petroleum storage systems, **disaster recovery, waste management** and now COVID-19 Health Order compliance.

Decision: Carried (with amendment)

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

Bayside Council

Cost burden on local government

That Local Government NSW lobbies the NSW Government to address by way of legislative change or financial recompense for the loss of income and cost shifting to councils due to its decisions impacting local government including but not limited to NSW Planning Portal, infrastructure contributions, compliance levy and the emergency services levy.

Armidale Regional Council

Cost shifting

That councils protest the increasing impact of NSW and Federal cost shifting from those levels of government to local government and in this respect highlight but not be limited to the following areas of costs shifting:

- a) superannuation guarantee charge,
- b) library funding,
- c) planning and development statutory fees not allowing full costs recovery by local councils,
- d) increasing costs to local government of pensioner rebates contributions,
- e) rural fire service assets being required to be shown as a local government asset for depreciation, and
- f) large increases in rural the emergency services levy.

10 Bland Shire Council

Emergency Services Levy

That Local Government NSW calls on the NSW Government to:

1. Postpone further costs to local government entities for the Emergency Services Levy payment increases until clear accountabilities are developed and communicated in accordance with engagement protocols of Resilience NSW Capability Development Framework for NSW Emergency Management Sector.
2. As part of this process, prepare amendments to the *Rural Fire Services Act 1997* to remove Section 119's reference which relates to vesting RFS equipment with

councils to remove the conflict of “control”, specifically in accordance with the definition of an asset in Australian Accounting Standards Board (AASB) Statement of Accounting Concepts 4: Definition and Recognition of the Elements of Financial Statements.

3. Engage all stakeholders with real or perceived responsibilities for Emergency Service Management and Actions to ensure that determinations are clearly articulated, communicated and relevant in accordance with the context of Resilience NSW Capability Development Framework.

Decision: Carried

Infrastructure contributions

11 Northern Sydney Regional Organisation of Councils Infrastructure contribution reform

That Local Government NSW reaffirms its position that councils should not be worse off under infrastructure contribution reforms and that this continue to be pursued vigorously with the NSW Government including:

1. Changes to the legislation and policy framework to ensure that councils’ capacity to provide infrastructure for their communities is not diminished.
2. Asking that the government demonstrate to each local council how its modelling concludes that that each Council will not be worse off.
3. **That should the government introduce any state or regional infrastructure levy, that there be a requirement for it to be spent in the area from which it was collected.**

Decision: Carried (with amendment)

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

Penrith City Council NSW infrastructure reform

That Local Government NSW urgently calls on the NSW State Government to ensure that as a result of its proposed infrastructure reforms, that no Council will incur a shortfall of funding to deliver local infrastructure to support new and growing communities and that this shortfall is not shifted to the existing community.

Shoalhaven City Council Infrastructure contributions reforms

That Local Government NSW calls upon the NSW Government to withdraw the *Environment, Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021* and undertake further consultation with the local government sector on the proposed reforms.

Bland Shire Council Environmental Planning and Assessment (Infrastructure Contributions) Bill

That Local Government NSW on behalf of all local government authorities in NSW expresses strong opposition to the *Environmental Planning and Assessment (Infrastructure Contributions) Bill* in its current form. That any regulations developed in conjunction with the Bill quarantine the expenditure of development contributions received to the LGA from which they came.

Greater Hume Shire Council**Infrastructure contributions Bill**

That Local Government NSW lobbies the State Government to defer the Infrastructure Contributions Bill until it can be clearly demonstrated that no Council will be worse off and it provides fairness and equity across NSW.

Liverpool City Council**Proposed changes to developer levies**

That Local Government NSW lobbies the NSW Government by:

1. Expressing concern over the impact of these proposed changes to the legislation on local communities;
2. Seeking a guarantee from the NSW Government that contributions levied in a local area will be spent on that community; and
3. Seeking a guarantee from the NSW Government that community consultation and voices of the local community will be given specific importance in the determination of infrastructure spending and delivery.

Cumberland Council**NSW Government infrastructure contributions reforms**

That the Conference supports calls by communities across NSW that councils are no worse off as a result of the NSW Government's infrastructure contribution reforms.

Willoughby City Council**Infrastructure contributions reforms –
No council worse off**

That Local Government NSW reaffirms its commitment that no council will be worse off through Infrastructure Contributions reforms, particularly:

- no council will be financially worse off or suffer a financial disadvantage
- there will be no delays or removal of projects from council plans
- there will be no impacts or restrictions to a council's autonomy to allocate infrastructure contributions identified by their local communities
- that the abovementioned conditions / commitments will be enduring (i.e. will not apply for a specific period or be phased out), and
- that these issues will continue to be pursued vigorously with the NSW Minister for Planning and Homes.

Local government recognition**12 Leeton Shire Council****Local government representation on
National Cabinet**

That Local Government NSW lobbies the Australian Government for permanent local government representation on the National Cabinet.

Decision: Carried

13 City of Canterbury-Bankstown**Local Government Federal Ministry**

That Local Government NSW writes to the Prime Minister requesting that the decision to demote the federal Local Government Ministry to an Assistant Ministry be overturned and the position of Minister for Local Government be reinstated in its entirety.

Decision: Carried

14 Murrumbidgee Council

Local government remuneration

1. Notes the Remuneration Tribunal is not truly independent. The Tribunal identifies every year in its Annual Report and Determination that it must work within the legislation. A specific section is 242A (Tribunal to give effect to declared government policy on remuneration for public sector staff).
2. Delete Section 242A from the Act
3. Advocates that a truly independent Tribunal, free from Government and legislative constraints sets remuneration in local government, similarly to the process for other levels of government, whereby councillors and individual councils do not vote on their own remuneration, noting the inherent conflict.

Decision: Carried (with amendment)

15 Lachlan Shire Council

Amendment to the NSW Local Government Act 1993 clause 248

That Local Government NSW advocates to the NSW Government to change the NSW *Local Government Act 1993*, Chapter 9, Part 2, Division 5, clause 248 as follows;

“248 Fixing and payment of annual fees for councillors

- 1) A council must pay each councillor a monthly fee which is calculated as one twelfth of the annual fee.
- 2) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
- 3) The annual fee so fixed must be the same for each councillor.
- 4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.

Decision: Carried (with amendment – removal of pt5)

Elections and democracy

16 Georges River Council

Ban on developers & real estate agents serving as councillors

1. That Local Government NSW calls on the Premier of NSW and the Minister for Local Government to genuinely ban developers and real estate agents (and their relatives and close associates) from serving as councillors by closing the existing loopholes in legislation which are currently used by local councillors to avoid being defined as a developer and/or real estate agent.
2. That the NSW government commit to amending all relevant legislation **including for planning panels** to ensure that broader and more inclusive activities are included in the definition of developer and/or real estate agent such as (but not limited to):
 - a) investors who fund the planning proposal and/or development or developer;
 - b) land owners who contribute property/sites for planning and development applications;

- c) persons/trusts/companies who hold options on land which they can trade once land values increase due to planning decisions;
 - d) beneficiaries of family trusts which benefit from planning proposals and/or development related decisions;
 - e) beneficiaries of company trusts or similar corporate arrangements;
 - f) shell companies used by persons, builders, councillors and/or companies that conceal involvement in planning proposals and/or development;
 - g) ongoing involvement/benefits that arise from planning proposals and/or development activities that continue post lodgement/approval/completion of a planning proposal and/or development such as bonuses for additional floor space or dwellings or trailing commissions and interest on investments;
 - h) other similar arrangements which can conceal a person's or councillor's involvement to avoid meeting the current definition of developer or real estate agent; and
 - i) relatives and close associates of any of the examples provided.
3. That the penalties for any councillor that makes a false declaration on their candidate nomination form about being a developer or real estate agent (or close associate or relative) be increased to include dismissal, lifetime bans and repaying the costs associated with any subsequent council by-election.

Decision:

Procedural motion – put the motion
Carried

Carried (with amendment)

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

Strathfield Council

Support policy to prohibit property developers from being NSW councillors

That Local Government NSW supports the adoption of a policy that prohibits property developers from holding office as local councillors in NSW.

City of Sydney

Property developers holding office as councillors

That Local Government NSW:

1. opposes those working as, or close associates of, property developers running to be elected as councillors (property developer and close associate are as defined in the *Electoral Funding Act 2018*); and
2. writes to the NSW Premier, NSW Opposition Leader, NSW Local Government Minister, NSW Shadow Local Government Minister, and NSW Members for Sydney, Wagga Wagga and Lake Macquarie seeking their commitment to oppose any attempt to amend the *Local Government Amendment (Elections) Bill 2021* to remove the ban on prohibiting property developers from holding office as local councillors in NSW.

Newcastle City Council

Property developers and real estate agents in local government

That Local Government NSW:

1. Notes that in November 2021, the NSW Legislative Council successfully passed a Bill to amend the Local Government Act to disqualify real estate agents and property developers from holding elected positions on local councils;
2. Notes that City of Newcastle supported a motion on 27 July 2021, that endorsed measures to ensure openness, transparency, community participation and probity in local decision making, including by restricting active property developers and real estate agents from holding civic office;
3. Notes that the now NSW Treasurer, the Hon. Matt Kean MP, likened allowing property developers to be elected as local Councillors to “putting Dracula in charge of the blood bank” due to the planning decisions taken by councils;
4. Writes to the Premier, the Treasurer and the Minister for Local Government requesting their support to amend the Local Government Act to prohibit property developers and real estate agents from running for elected local government positions.

Blue Mountains City Council

Prohibition of Election of Property Developers Bill 2021

That councils at the LGNSW Annual conference support the *Local Government Amendment (Prohibition of Election of Property Developers) Bill 2021* or similar legislation to prohibit property developers from holding office as local councillors in NSW.

City of Parramatta Council

Ban property developers from running for council

That Local Government NSW calls on the NSW Government to support the *Local Government Amendment (Prohibition of Election of Property Developers) Bill 2021*, which is currently before the Parliament, which seeks to prohibit property developers from holding office as local councillors in NSW.

17 Northern Beaches Council

Conduct of the 2021 local government election

That Local Government NSW:

1. Formally expresses its concerns to the Minister for Local Government, the Hon. Wendy Tuckerman MP, for the way in which the 2021 NSW local government election was conducted. Specifically but not limited to:
 - a) Inconsistent and incorrect information on how to vote above and below the line given by officials.
 - b) Inconsistent application of rules at pre poll and election day polling booths.
 - c) The significant changes to the electoral rules and processes and communication of these changes.
 - d) Lack of transparent health advice justifying the measures implemented:
 - (i) no 'how to vote' cards handed out within 100m of a booth
 - (ii) setting up corflutes before 7am and not touching them until after 7pm.
 - e) iVote technical issues including its failure on election day; technical issues with the online nomination online management system (NOMS) process of nominations.
 - f) Consistent technical failures during pre-poll.
 - g) **Lack of action from the Electoral Commissioner regarding complaints of breaches of the rules.**
2. Requests the Minister conduct an urgent and independent review of the recent election to:
 - a) Ascertain the experiences of councils and candidates during the election, particularly their concerns around staffing, process, technology, and communication.

- b) Consider the best practices of other jurisdictions in conducting elections, including during the pandemic.
 - c) Produce recommendations or suggestions on how to improve the election processes moving forward, including during pandemics.
3. Refers the resolution to the NSW Joint Standing Committee on Electoral Matters.

Decision: Carried (with amendment)

18 Tweed Shire Council **Local government elections - electronic voting**

That Local Government NSW writes to the Minister for Local Government to request consideration of the expansion of criteria for electronic voting (iVote) and postal voting for local government elections.

Decision:

Amendment:

That Local Government NSW writes to the Minister for Local Government to request consideration of the expansion of criteria for electronic voting (iVote) for local government elections.

Amendment becomes the motion

Lost

19 City of Canterbury-Bankstown **Mayoral representation following LG elections**

That Local Government NSW lobbies the NSW Government to amend the *Local Government Act 1993* (NSW) to ensure that mayors elected by councillors continue to hold their position until a new mayor is elected following local government elections.

Decision: Carried

20 Murrumbidgee Council **Councillor term**

That Local Government NSW lobbies the Minister for Local Government to amend section 233 of the *Local Government Act 1993* NSW to end the term of the Council to be at the declaration of poll.

The proposed change be as follows:

233 For what period is a councillor elected?

(2) The office of councillor—

Omit - (b) becomes vacant on the day appointed for the next ordinary election of councillors, or on the occurrence of a casual vacancy in the office.

Insert - (b) Concludes on the day of the declaration of the election or when vacated in accordance with section 234

Decision:

Amendment

That Local Government NSW lobbies the Minister for Local Government to amend section 233 of the *Local Government Act 1993* NSW to end the term of the Mayor to be at the declaration of poll.

The proposed change be as follows:

233 For what period is a Mayor elected?

(2) The office of Mayor—

Omit - (b) becomes vacant on the day appointed for the next ordinary election of councillors, or on the occurrence of a casual vacancy in the office.

Insert - (b) Concludes on the day of the declaration of the election or when vacated in accordance with section 234

Amendment lost

Lost

21 Lachlan Shire Council

Disqualification from nominating for next general election

That Local Government NSW advocates to the NSW Government to amend the NSW *Local Government Act 1993* to prevent a Councillor who is removed from office, including if a civic office becomes vacant under subsection 234(1)(d) of the *Local Government Act 1993*, from nominating for election at the next local government general election.

Decision: Lost

22 Newcastle City Council

Re-establishing fixed 4-year terms for local government

That Local Government NSW:

1. Notes that the current term of council is yet another irregular term and will fall well short of a fixed 4-year term, with the next local government election scheduled to take place in September 2024;
2. Notes that two consecutive council terms have been disrupted due firstly to Council amalgamations and then to the global COVID-19 pandemic;
3. Advocates for the return to a fixed 4-year term for the current council term with the next election to be held in September 2025;
4. Notes that re-establishing a fixed 4-year term would enable local government elections to be held every second year between fixed State Government elections (2

- years after the 2023 State Government election), ensuring that voters, and the NSW Electoral Commission, are not fatigued by back-to-back elections, and that local councils are able to fulfill their critical statutory obligation of implementing a full, 4-year delivery program of each council's adopted Community Strategic Plan (CSP);
5. Writes to the new Minister for Local Government, advocating for the re-establishment of a fixed 4-year term, with an amendment to the Local Government Act to enable the next council elections to be held in September 2025, noting the aforementioned benefits of providing a 2-year gap between local and state elections, and the delivery of a full, 4-year delivery program of current adopted CSPs.

Decision: Withdrawn

23 Northern Beaches Council

Council referendums

That Local Government NSW calls upon and writes to the NSW Government to allow councils, in conjunction with the NSW Electoral Commission, to conduct referendums, if a Council has resolved so, on the day of the State Election for such matters prescribed by the Local Government Act (e.g. demergers and popularly elected mayors).

Decision: Lost

Industrial relations and employment

24 Mosman Council

Senior officer contracts

That Local Government NSW takes no further action on the proposal to remove senior staff (excluding General Managers) from the *Local Government Act 1993* in order to bring senior staff (excluding General Managers) under the Local Government State Award and re-iterate its commitment to allowing members to have individual discretion to determine whether or not to have senior officer positions, as is currently the case.

Decision: Lost

Housing

25 Ballina Shire Council

Royal Commission into affordable housing

That Local Government NSW develops a campaign seeking support for the establishment of a Royal Commission into the affordability and future of housing in Australia.

Decision: Carried

26 Byron Shire Council

Stamp duty recycling for housing investment

That Local Government NSW lobbies the NSW Government to:

- a) secure the 'recycling' of transfer duty and land tax revenue into local government areas experiencing house price inflation and homelessness, housing shortage and rental stress to invest in new housing stock for essential workers, lower income and vulnerable members of the community and;
- b) use 'stamp duty recycling' as a mechanism for equalising the social housing stock across the state so that local government areas that are behind the state average can catch up over the next decade.

Decision: Carried

27 Shoalhaven City Council

Impact of holiday homes

That Local Government NSW asks the NSW Government to consider legislative tools to assist councils with the impact of short-term rental platforms on local communities with respect to long-term rental availability.

Decision: Carried

28 Shoalhaven City Council

Social and affordable housing models

That Local Government NSW requests that the State Government investigate different models for social and affordable housing, such as equity share and covenant housing.

Decision: Carried

29 Wollongong City Council

Affordable housing: caravan parks and manufactured home estates

1. That Local Government NSW works with the Department of Planning and Environment, NSW Fair Trading, Office of Local Government and the Affiliated Residential Park Residents Association (ARPRA) to:
 - a) Explore options to ensure and secure that caravan parks and manufactured home estates are recognised as providing affordable housing options for many people, including retirees, pensioners, and people on low incomes;
 - b) Highlight the need for secure tenancy for long term residents of caravan parks and manufactured home estates;
 - c) Prioritise the rights of residents of caravan parks and manufactured homes estates against becoming homeless, or the threat of becoming homeless, due to owners who refuse and/or vacillate in the renewal of lease agreements with councils.
2. NSW councils accept and affirm the need to protect the right for residents currently living in caravan parks and manufactured home estates to be provided with housing security, especially where they have valid leases with park owners and have purchased their homes in goodwill.

Decision: Carried

30 Liverpool City Council**Pandemic safe housing and development**

That Local Government NSW advocates for a national consultation process to be held to enable governments at all levels, the opportunity to re-assess and implement new planning controls that will ensure the delivery of future pandemic safe housing and development.

Decision: Carried

Planning**31 Blacktown City Council****NSW Planning Portal**

That Local Government NSW calls on the NSW Government to:

1. Offset the additional and unnecessary costs being borne by local government to implement the Planning Portal, by paying compensation to councils in recognition of the additional costs and workloads being imposed on them to make the Planning Portal functional.
2. Work with local government to develop a customer driven strategic direction, underwritten by a formal written agreement:
 - a) to guide the development and implementation of the Planning Portal over time
 - b) comprising service levels with local government, based on a mutually agreed clear and unambiguous implementation plan with milestones and financial penalties – to be paid to local government in the event that milestones are not achieved by NSW Government agencies.

Decision: Carried

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

Murray River Council**NSW E-Planning Portal**

That Local Government NSW requests the NSW State Government to conduct an independent review of the E-Planning Portal system and engaging with all NSW councils for its overall performance, streamlining Development Applications processes, reducing turnaround times on applications and reinstating the requirement for Mandatory Documents to be submitted prior to the system allowing acceptance of any application.

32 Lane Cove Council**Development and planning fees and compliance levy fee**

That Local Government NSW advocates to the NSW State Government and NSW Department of Planning and Environment to:

1. Review the fees prescribed for development applications, planning proposals and other planning instruments to ensure proper cost recovery by councils.
2. Reinstating the development application compliance levy fee removed on 1 January 2022.
3. Annually index the prescribed fees in line with CPI each financial year.

Decision: Carried

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

Liverpool City Council

**Environmental Planning & Assessment Amendment
(Compliance Fees) Regulation**

That Local Government NSW lobbies the NSW State Government requesting the Government reverse the decision to prohibit council from collecting compliance levies from 31 December 2021, or in the alternative, for the State Government to implement (at least) a 2 year moratorium on the removal of the levy for high growth councils to enable a transition to any new scheme.

33 Blacktown City Council

Concept development application (DA) fees

That Local Government NSW consults relevant ministers and authorities as appropriate to seek the removal of Clause 256B from the Environmental Planning and Assessment Regulation 2000 which prevents local government from recovering its costs from processing concept development applications.

Decision: Carried

34 Blacktown City Council

**Misuse of State Significant
Development provisions**

That Local Government NSW urgently calls on the NSW Government to:

- require the State Significant Development list to be independently audited for actual State Significance of those items on the list
- return so called State Significant Development to councils for local and regional assessment and determination.

Decision: Carried

35 Hawkesbury City Council

**Refining post-disaster planning
approval processes**

That Local Government NSW works with the NSW Department of Planning, Industry and Environment (DPIE) and affected local councils to create a more refined approvals process, including multi-agency cooperation, for people who are seeking approval to rebuild after natural disasters. Alternatively that DPIE and the NSW Government support recovery and approval by paying for place-based planning documents that consider the issues affecting disaster-affected properties so that individual land owners can use these documents as part of the approvals process.

Decision: Carried

36 Lane Cove Council**State Government's proposed changes to clause 4.6 variations**

That Local Government NSW lobbies the NSW State Government not to proceed with the removal of Clause 4.6 variations from all Local Environmental Plans (LEP).

Decision: Carried

37 City of Canterbury-Bankstown**Environmental Planning and Assessment (Statement of Expectations) Order 2021**

That Local Government NSW lobbies the NSW Government to:

1. Revoke the Environmental Planning and Assessment (Statement of Expectations) Order 2021
2. Consult with councils to identify a suitable and workable policy approach to improve the timeliness of decision making specific to development applications, planning proposals and rezoning, and broader strategic planning
3. Ensure policy alignment with broader planning reforms that are currently underway.
4. **Acknowledges that planning in rural and regional areas is vastly different to metro areas.**

Decision: Carried (with amendment)

38 Murray River Council**Building surveyors**

That Local Government NSW advocates immediately and requests that the Federal Government and relevant State Governments immediately relax the cross-border accreditation requirements for building surveyors to operate nationally under the Australian Building Code. Further to this that Federal Government introduces a rural/regional specific accreditation to ease the burden on regional councils.

Decision: Carried

Social and community**39 Byron Shire Council****First Nations Voice to Council**

That Local Government NSW:

1. **Supports the Statement from the Heart's call for Indigenous constitutional recognition through a Voice and that a referendum is held in the next term of federal parliament to achieve it.**
2. **Develops a kit in partnership with the Traditional Custodians to assist councils to hold public forums to inform their communities about the Statement from the Heart and the proposed referendum.**
3. **Develops an advisory body model for a First Nations Voice to Council for local Indigenous communities; with the structure, terms of reference and membership for the First Nations Voice to Council to be determined by consultation with local**

Indigenous community stakeholders including Local Aboriginal Land Councils, native title holders and elders in conjunction with local councils.

4. Encourages local councils to develop a relationship with their local First Nations communities, especially the Traditional Owners/Custodians, and to develop with them ways in which they can provide input into the decisions of council.

Decision: Carried (with amendment)

40 City of Parramatta Council

Prevention of Aboriginal deaths in custody

That Local Government NSW calls on the NSW Government to implement all cross-jurisdictional reform recommendations contained within the Royal Commission into Aboriginal Deaths in Custody report that seek to prevent Aboriginal deaths in custody and the resultant family trauma.

Decision: Carried

41 Lake Macquarie City Council

Support for Afghan refugees

That Local Government NSW works with councils, the State Government, refugee and culturally and linguistically diverse non-government agencies, and the Federal Government to ensure that all Afghan citizens who assisted Australia during the Afghan intervention, or who are at risk as a result of that intervention, are smoothly and efficiently provided with refugee status, and settled in Australia.

Decision: Carried

42 Leeton Shire Council

Safeguarding the welfare of Seasonal Worker Programme workers

That Local Government NSW calls on the Australian Government to modify the implementation of the Seasonal Worker Programme (SWP) to improve welfare outcomes for workers to ensure councils are informed of worker arrivals and departures so that they can monitor their living conditions and welfare while they are in residence.

Decision: Carried

43 Leeton Shire Council

Work rights for bridging visa holders and amnesty for undocumented workers

That Local Government NSW calls on the Australian Government to improve the welfare of migrants and resolve the labour shortages affecting businesses and industries in rural and regional Australia by:

1. Revising the visa regime to grant work rights to all bridging visa holders

2. Granting amnesty to undocumented workers, specifically undocumented farm workers.

Decision: Carried

44 Blue Mountains City Council	Gender Equity
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1. That the LGNSW conference notes that representation of women in elected roles and in senior leadership positions in local government remains persistently low. This is despite many years of strong advocacy from the Australian Local Government Women's Association and its NSW Branch to encourage women to join local government and support gender equity;
2. That the LGNSW conference notes that setting policy and targets to improve gender representation including public reporting and accountability on outcomes helps drive change. However, only a small number of councils have developed a Gender Equity Strategy (these Councils include City of Sydney, Ryde and Blue Mountains); and
3. That the LGNSW calls on the NSW Government to introduce legislation, such as exists in Victoria through its *Gender Equity Act 2020*, to require the public service and local councils to "plan, implement strategies and report on gender equality in the workplace", and that the NSW Government provides funding to enable local councils to develop their Gender Equity Strategy in consultation with local communities.

Decision: Carried

45 Penrith City Council	Support for and coordination of food insecurity issues
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That Local Government NSW advocates to the NSW Government for:

1. The NSW Government to assign a key agency responsible for ensuring food security within the population both during and following emergency events
2. A more coordinated response to food insecurity and emergency food relief to be developed by the NSW Government
3. Greater resourcing to be provided by the NSW Government for emergency food relief supplies
4. Greater consideration to be given to providing culturally appropriate emergency food relief supplies
5. Greater support and resourcing to be provided to councils supporting local food relief efforts.

Decision: Carried

46 Warren Shire Council	Emergency planning for natural disasters like mice plagues
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That Local Government NSW requests that the NSW Government through Resilience NSW, instigate the development of the necessary emergency planning in preparation for natural disasters such as mice plagues and other similar natural disasters to ensure that

appropriate co-ordination and timely support is provided to affected residents, business owners and farmers in those areas that experience such natural disasters.

Decision: Carried

47 City of Canterbury-Bankstown **Strengthening early learning and childcare advocacy**

That Local Government NSW formalises its support of Thrive by Five on behalf of the local government sector and their campaign to advocate for high-quality, universally accessible and affordable early learning and childcare across Australia.

Decision: Carried

48 Albury City Council **Mental health crisis**

That Local Government NSW advocates that the NSW and Australian Governments address the mental health crisis for **all people** and ensure adequate access to emergency and specialist treatment, intervention, acute and inpatient services, including consistency of access across rural, regional and metropolitan NSW.

Decision: Carried (with amendment)

49 Armidale Regional Council **HEPA filters and ventilation to reduce COVID risk**

That Local Government NSW calls on the NSW Government to reduce the risk of COVID infections by installing HEPA (high-efficiency particulate air) filters and investigating ways to improve ventilation in schools and other public buildings (including council buildings), similar to the strategy already adopted in Victoria.

Decision: Carried

50 Greater Hume Shire Council **Rural Financial Counselling Service funding**

That Local Government NSW lobbies the NSW Government to continue to provide on-going funding to the Rural Financial Counselling Service that will allow it to continue to provide on-ground, face-to-face services to farming enterprises and families in NSW.

Decision: Carried

51 Campbelltown City Council **Heritage funding for local councils**

That Local Government NSW requests the NSW Government to significantly increase the amount of funding available to local councils to assist in the protection, ongoing

maintenance and enhancement of heritage buildings, heritage structures and heritage sites in their local government areas.

Decision: Carried

Environment

52 Liverpool City Council

Climate Action Plan

That Local Government NSW advocates to the Australian Government to meet our international obligations under the United Nations Framework Convention on Climate Change by strengthening the 2030 emissions reduction target to 50% and implement policy and programs to achieve this target and the 2050 net zero emissions target.

Decision:

Amendment

That Local Government NSW advocates to the Australian Government to meet our international obligations under the United Nations Framework Convention on Climate Change by **amending** the 2030 emissions reduction target from 50% **to 75%** and the **2050** net zero emissions target date **to 2035** net zero emissions target.

Amendment Lost

Procedural motion – put the motion
Carried

Carried

53 Dubbo Regional Council

Gas decarbonisation roadmap

That Local Government NSW advocates that the NSW Government urgently develops a gas decarbonisation roadmap.

Decision: Carried

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

Lismore City Council

Energy roadmap

That Local Government NSW lobbies the NSW Government:

1. noting that our net zero carbon emissions by 2030 plan will be achieved by purchasing 100% renewable energy, phasing out gas and switching to electric vehicles, whilst ensuring ongoing energy efficiencies;
2. noting that in 2019 a number of NSW councils declared a state of climate and biodiversity emergency acknowledging that urgent collaborative action at all levels of government is necessary to protect our environment and community for future generations. expressing our support for a rapid reduction in the use of gas in the NSW economy;

3. requesting that the NSW Government urgently develop a gas decarbonisation roadmap so NSW can be a leader by setting business, industry and households up to be resilient and sustainable in a decarbonising world, while safeguarding jobs in important manufacturing industries.

54 Blacktown City Council

Enabling funding mechanisms to respond to climate change

That Local Government NSW calls on the NSW Government to enable a special purpose 1% increase in local government rates to fund increases in the use of renewable energy, accelerate carbon neutrality and adapt to climate change impacts, especially increases in urban heat.

Decision: Carried

55 Ballina Shire Council

Investments - Fossil fuel divestment

That Local Government NSW:

1. **Allow council to place their investments and loans with sustainable investments,**
2. requests that the Australian Local Government Association and other state local government associations also adopt this position, and
3. requests TCorp make available the information and options required for councils to invest and borrow in line with this position.

Decision:

Amendment

That Local Government NSW:

1. place their investments and loans with non-fossil fuel aligned financial institutions,
2. encourages all NSW councils to place their investments and loans with non-fossil fuel aligned financial institutions,
3. requests that the Australian Local Government Association and other state local government associations also adopt this position, and
4. requests TCorp make available the information and options required for councils to invest and borrow in line with this position

Amendment Lost

Procedural motion – put the motion

Carried

Carried (with amendment)

56 Lake Macquarie City Council

Supporting the circular economy

That Local Government NSW requests that the NSW Government provides funding and resources for circular economy capability building and supports the development of Circular Economy Action Plans and precinct development by local government.

Decision: Carried

57 Forbes Shire Council

Rebates for use of crumbed rubber bitumen in roads

That Local Government NSW lobbies the NSW Government to implement a rebate system of 40 cents per litre for the use of S45R crumbed rubber bitumen in asphalt, construction seals and reseals.

Decision: Carried

58 Leeton Shire Council

Weeds management plan for Fleabane (*Conyza* spp.)

That Local Government NSW calls on both the NSW Government and the Federal Government to develop and implement a weed management plan to protect agricultural land from incursions of Fleabane (*Conyza* spp.) in order to maintain the productivity of agricultural land and ensure the sustainability of regional communities by acknowledging that:

- Fleabane is widespread across agricultural land and is having a negative impact on the productivity of agricultural land
- Fleabane is resistant to standard registered herbicides including Glyphosate
- Limited state and federal funding is provided for the control of Fleabane under the *Biosecurity Act 2015* through the General Biosecurity Duty
- the NSW Government Weed Action plan is focused on new and emerging weed varieties, and that Fleabane does not meet this criteria and therefore attracts no state or federal funding for its management as a species.

Decision: Carried

59 Bland Shire Council

Biosecurity (noxious weeds)

That Local Government NSW:

1. Calls on the NSW Minister for Local Government and NSW Minister for Agriculture to increase funding of the NSW Weeds Action Program to allow for greater promotion of landholder responsibilities under the *Biosecurity Act 2015*.
2. Calls on the NSW Minister for Local Government and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts to liaise with the NSW Aboriginal Lands Council to develop appropriate mechanisms as part of the Joint Management and Co-management for parks or reserves protocols to adequately address identified and emerging biosecurity weeds issues.

Decision: Carried

60 Hay Shire Council**Mandating of the National Water Quality Management Strategy**

That Local Government NSW calls on the Australian, State and Territory Governments to mandate their nationally agreed policy framework within the Australian Government's National Water Quality Management Strategy, so that all Australian governments and other industries, organisations and institutions effectively manage the quality and supply of water that is fit for purpose.

Decision: Carried

61 Hay Shire Council**Murray-Darling Basin wide river monitoring**

That Local Government NSW calls on the NSW Government:

- a. To engage an independent authority to prepare a public report detailing:
 - i. The current river monitoring performed in the Murray-Darling Basin, its distribution and data accuracy and timeliness;
 - ii. The benefits of a basin-wide consistent approach to enhanced and comprehensive river monitoring data, and its opportunities and challenges.
- b. Following the outcomes of the report to initiate and install competent river monitoring infrastructure and programs to provide enhanced river data and analysis to support water managers improve water policy, planning, management and operations to improve and maintain water quality and supply in the Murray-Darling Basin.

Decision: Carried

62 Armidale Regional Council**World Health Organization (WHO) Clean Air Guidelines**

That Local Government NSW endorses the calls by Australian health advocates including Asthma Australia, the Australian Lung Foundation and Doctors for the Environment Australia, for the updated World Health Organization (WHO) Clean Air Guidelines to be adopted by all relevant authorities.

Decision: Carried

63 Blacktown City Council**Timely EPA action on odour issues that affect residents**

That Local Government NSW calls on the NSW Environment Protection Authority to fine corporations which allow malodorous emissions to adversely affect residential communities while the residents are being affected by the odours.

Decision: Carried

64 Blacktown City Council**Enhancing illegal dumping enforcement powers**

That Local Government NSW calls on the NSW Environment Protection Authority to introduce additional offence codes and categories to enable councils to issue fines for an expanded range of illegal dumping types, including dumped waste on nature strips in residential areas or parks.

Decision: Carried

65 Murray River Council**Animal Welfare Code of Practice**

That Local Government NSW advocates the NSW Government to strengthen:

1. the Code of Practice for Breeding Cats and Dogs and
2. the planning legislation assessment requirements for breeding facilities, so that both align with requirements for puppy farms in Victoria.

Decision: Carried

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

Orange City Council**Mass dog breeding facilities**

That Local Government NSW calls on the State Government to urgently review the issue of large scale mass dog-breeding facilities in NSW, including the need for legislative reform and greater oversight by the Government to overcome the issues that councils currently face when considering development applications for such facilities.

66 Blacktown City Council**Exemption from un-desexed animal ownership fee**

That Local Government NSW consults relevant Ministers and authorities as appropriate to amend the requirements for un-desexed animals incurring a fee if un-desexed after the age of 16 weeks, to allow owners to apply to delay the invoicing of the permit fee if the animal is desexed within 3 months of new ownership.

Decision: Carried

67 Wollongong City Council**Request to phase out shark nets**

That Local Government NSW calls on the NSW Government to phase out of the use of shark nets and replace them with a combination of alternative shark mitigation strategies (such as drone surveillance, personal shark deterrents, education and SMART drumlines) that more effectively protect the beach without damaging marine wildlife.

Decision: Carried

Governance and accountability

68 Lismore City Council

Code of Conduct investigator reports review by independent panel

That Local Government NSW requests the Office of Local Government amend the Code of Conduct in order that the recommendations of a third party investigation into a breach of the Code be adopted or rejected by an independent panel and not Councillors.

Decision:

Amendment

That Local Government NSW

- a. requests the Office of Local Government amend the Code of Conduct in order that the recommendations of a third party investigation into a breach of the Code be adopted or rejected by an independent panel and not Councillors.
- b. If the code of conduct complaint is rejected the instigator of the alleged breach bears a portion of the cost of the investigation.

Amendment Lost

Lost

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

Shoalhaven City Council

Code of Conduct procedures

That Local Government NSW requests the State Government to amend the Model Code of Conduct Procedures to remove the current role of the elected Council in determination of sanctions arising from conduct investigations.

69 Lachlan Shire Council

Amendment to NSW *Local Government Act 1993* clause 234(1)(d)

That Local Government NSW advocates to the NSW Government to change the NSW *Local Government Act 1993*, Chapter 9, Part 2, Division 3, clause 234(1)(d) as follows:

“234 When does a vacancy occur in a civic office?

(1) A civic office becomes vacant if the holder—

...

(d) is absent from 3 ordinary meetings of the council in any calendar year (unless the holder is absent because he or she has been suspended from office under this Act or because the council has been suspended under this Act or as a consequence of a compliance order under section 438HA) without—

(i) prior leave of the council, or

(ii) ‘leave granted by the council at any of the meetings concerned...”

Decision: Carried

70 Armidale Regional Council**End of Term Report**

That Local Government NSW urges the NSW Government to continue to require councils to submit the end of term report to the final meeting of the outgoing council.

Decision: Carried

71 Hay Shire Council**Rural Council Model**

That Local Government NSW calls upon the State Government to reintroduce the Rural Council Model as proposed under the Fit For The Future process.

Decision: Carried

72 Snowy Valleys Council**Boundaries Commission**

That Local Government NSW calls on the NSW Government to clarify and expedite the matters relating to the Boundaries Commission independent statutory review announced on 20 July 2021:

1. The Terms of Reference (ToR) for the Boundaries Commission be placed on Public Exhibition and the Minister's intent on the purpose and role be made clear in an attached briefing paper;
2. The Minister include a section in the ToR relating to the evaluation of de-amalgamation under Section 218C and that this be at no cost to the ratepayers of the Council making the request;
3. The Minister expedite the finalisation of the ToR once public exhibition is complete;
4. The Minister immediately seeks expressions of interest for members for the Boundaries Commission and fill any vacancies with persons suitably qualified to fulfill the roles expected under the ToR.

Decision: Carried

73 Inner West Council**De-amalgamation of LGAs**

That the NSW Government pay 100% of the costs of de-amalgamation of local government areas forced to amalgamate where a referendum of residents has chosen to reverse the forced amalgamation.

Decision: Carried

74 Hilltops Council**Increased funding by State Government - Amalgamated councils**

That Local Government NSW calls on the NSW Government to provide increased funding to amalgamated councils, to counteract initial underfunding for ongoing financial stability of amalgamated councils.

Decision: Carried

75 Lane Cove Council**Performance of forced and non-forced amalgamated councils**

That Local Government NSW commission a report that:

1. compares the qualitative and non-qualitative projections outlined in the 2015/16 KPMG options report of each amalgamated council to the actual data from their financial statements and other available data sources;
2. compares the KPIs included in the financial statements of both amalgamated and non-amalgamated NSW councils to compare the overall performance of NSW councils against the KPIs established by the State Government;
3. analyses the rating revenues of all NSW councils since 2015; and
4. based on the results, provides recommendations on the suitability of the ongoing use of the KPIs established by the State Government.

Decision: Carried

Infrastructure, transport, land and utilities**76 Penrith City Council****Western Sydney City Deal and tri-governance framework**

That Local Government NSW advocates to the Federal Government to continue its support for the Western Sydney City Deal. With the Western Sydney City Deal set to be reviewed this year, there is an opportunity for the Australian Government to reconsider how to further reinforce the governance framework to strengthen local government's ability for better strategic collaboration.

Decision: Carried

77 Bland Shire Council**Regional headquarter locations**

That Local Government NSW advocates to the NSW Government, specifically the Premier and Minister for Police and Emergency Services to give greater consideration to geographic centrality with the determination of locations when establishing regional service and administration centres for State departments and services.

Decision: Carried

78 City of Canterbury-Bankstown**Funding increase for road safety initiatives**

That Local Government NSW calls on the NSW Government to support funding equivalent to 0.1% of the rate revenue of an individual council to allow councils to adequately develop tailored public education programs on road safety.

Decision: Carried

79 Broken Hill City Council**Childcare centres and long day-care centres speed zones**

That Local Government NSW lobbies the Minister for Transport and Transport NSW to re-introduce reduced speed zones around all NSW childcare centres and long day-care centres to ensure the safety of families and young children attending the centres.

Decision: Carried

80 Blacktown City Council**Plans of Management for community land**

That Local Government NSW calls on the NSW Government to amend the requirements for Plans of Management under the Local Government Act, so that when an additional parcel of community land is added to an existing Plan of Management, the addition be exhibited and submissions on that additional parcel of land only be received for a minimum of 14 days, and that no public hearing be required.

Decision: Lost

81 Blacktown City Council**Compulsory and hardship land acquisitions**

That Local Government NSW calls on the NSW Government to repeal the requirement under the *Land Acquisition (Just Terms Compensation) Act 1991* for the Minister's approval to issue a proposed acquisition notice (PAN) for compulsory acquisition of land by a council, and pending a change to the Local Government Act, the Minister to delegate to councils his power to approve the issue of a PAN.

Decision: Carried

82 Georges River Council**Asset management - Creating a level playing field (financial statements)**

That Local Government NSW advocates to the NSW Government (specifically the Audit Office of NSW) to ensure the sustainability, transparency and intergenerational equity of community infrastructure (transport assets, stormwater, buildings, open space) across NSW by establishing consistent guidelines that include but are not limited to:

- a) Standardised and accurate useful lives for community infrastructure, for use by all NSW councils, and;
- b) Consistent classifications and naming conventions for all classes of infrastructure for use by all NSW councils.

Decision: Carried

83 Yass Valley Council**Street lighting - Advocacy program**

That Local Government NSW commit to leading and resourcing an advocacy program on street lighting across the State.

Decision: Carried

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

Wingecarribee Shire Council**Better street lighting outcomes**

That Local Government NSW leads, and resources, advocacy for better outcomes in street lighting for member councils - in particular to assist smaller regional councils to share information and more effectively manage arrangements with Distributed Network Service Providers.

Snowy Valleys Council**Streetlighting review**

That Local Government NSW calls on the NSW Government to facilitate a comprehensive review of the structural, regulatory and funding frameworks for streetlighting including:

1. A review of the pricing framework;
2. A review of the current code for the provision of public lighting;
3. Support for progressing smart innovation and new technologies;
4. Quality assurance for billing to eliminate discrepancies and errors;
5. A review of the current ownership and maintenance arrangements for street lighting across the State, noting the complexities of the existing arrangements and the cost and resource liabilities currently imposed on local councils associated with the management of these assets.

84 Warren Shire Council**Betterment for flood and other natural emergency restoration works**

That Local Government NSW petitions both the NSW Government and Federal Government to develop, establish, implement and properly fund Betterment Programs to rebuild essential public infrastructure damaged in floods and other natural emergencies to a more resilient standard that ensures that the infrastructure and communities are less vulnerable to the impacts of flood and other emergencies.

Decision: Carried

85 Cessnock City Council**Review of the NSW Stormwater Management Services Charge**

That Local Government NSW calls upon the NSW State Government to review the pricing and associated guidelines for the NSW Stormwater Management Services Charge.

Decision: Carried

86 Clarence Valley Council**Power of entry to construct and maintain flood mitigation works**

That Local Government NSW lobbies the NSW Government to amend Section 59A and 191A of the Local Government Act to give councils power of entry to construct and maintain flood mitigation works.

Decision: Carried

87 Warren Shire Council**Dam storage capacity increase**

That Local Government NSW requests that the NSW Government instigate the investigation of the use of existing dam airspace currently set aside for flood mitigation purposes to increase the storage capacity of dams.

Decision:

Procedural motion – put the motion
Carried

Carried (with amendment – removal of ‘and implementation’)

88 Blacktown City Council**Leases for telecommunications facilities on community land**

That Local Government NSW calls on the NSW Government to amend legislation such that:

- a) The approval process for telecommunications facilities on community land be simplified by only requiring a development application, and not requiring a separate notification of a proposal to lease community land.
- b) Councils not be required to tender leases for telecommunications facilities on community land.

Decision: Carried

89 Warren Shire Council**Improvement of transmission networks for solar energy development**

That Local Government NSW petitions both the NSW Government and Federal Government to provide funding programs to incentivise the upgrading of electricity transmission lines in rural and remote areas where it is most suitable to have solar energy developments and are supported by the local community.

Decision: Carried

Mining and agriculture

90 Lake Macquarie City Council

Adaptive reuse of mining lands

That Local Government NSW requests that the NSW Government works with councils, industry **and mines** to support the diversification of coal-reliant economies by investigating legislative and procedural change that will better facilitate adaptive reuse of former **and current** mining lands, **following decontamination and rehabilitation**.

Decision:

Amendment

That Local Government NSW requests that the NSW Government works with councils, industry and mines to support the diversification of coal-reliant economies by investigating legislative and procedural change that will better facilitate adaptive reuse of former mining lands, following decontamination.

Amendment Lost

Carried (with amendment)

91 Wollondilly Shire Council

Mine subsidence

That Local Government NSW writes to the NSW Mining Minister calling for urgent review of the Mine Subsidence Act to better protect and assist landowners affected by mining and mine subsidence. Noting in particular that the current review process should be assessed by an independent body.

Decision: Carried

92 Leeton Shire Council

Principle-based commitment to national agricultural strategy

That Local Government NSW calls on the Australian Government to support the goals of the '2030 Roadmap: Australian Agriculture's Plan for a \$100 billion industry' but make a principle-based commitment to ensure the plan is realistic, optimises water use, and supports existing regional and rural communities and industries by maintaining and promoting agricultural diversity that builds resilience into our economies and helps rural communities thrive. Success cannot only be measured by increased prices at the farm gate.

Decision: Carried

93 Tweed Shire Council

Regenerative landscape management

That Local Government NSW writes to the NSW Premier and the NSW Minister for Agriculture to request significant investment in research and development of regenerative agriculture to position NSW to become a world leader in best practice

landscape management to sustain future food security and farm viability, and to harness the vast potential for economic recovery through our regional areas.

Decision: Carried

94 Leeton Shire Council

Protect food security/sustainability of regional irrigation communities

That Local Government NSW calls on the Australian Government to protect national food security and the sustainability of regional irrigation communities by:

1. acknowledging irrigation communities were purposefully built by governments to feed and drought proof the nation
2. acknowledging the unintended adverse impacts on regional communities as a result of certain water policy decisions and the operation of water trading markets
3. acknowledging that the nation's primary producers are adept at using water efficiently and responsibly through on-farm practices and infrastructure
4. providing enhanced water access for general security water holders in regional communities who depend on the availability of this water for their livelihoods and employment
5. ensuring decisions foster diversity in agriculture and value adding industries as diversity is our strength and builds resilience in our communities and economies
6. reviewing and adjusting timelines for the completion of Murray-Darling Basin projects and plans such as the Murray-Darling Basin Plan Sustainable Diversion Limit Adjustment Measures (SDLAM) Projects and Water Sharing Plans to be more realistic, achievable and prevent any adverse third-party impacts
7. ensuring better water transparency on environmental water holdings, the trading of environmental water and the outcomes of efficiency projects
8. ensuring water conveyance losses are recognised and are properly costed and accounted for
9. acknowledging that annual crops grown close to the source of our water supplies are key to maintaining resilience in our relatively dry and inconsistent climate.

Decision: Carried

LATE MOTIONS

L1 Cootamundra-Gundagai Regional Council

Deputy mayor remuneration

That Local Government NSW call on the Minister for Local Government to give consideration to remunerate the role of deputy mayor in local councils. The role of deputy mayor currently has no remuneration provision in the Local Government Act. Where two events are held for simultaneous celebrations (events such as Australia Day, ANZAC Day, Remembrance Day) the mayor cannot attend both ceremonies and some are many kilometres apart in regional and rural areas. The role of deputy mayor is increasing and the proposal for the role to be remunerated is not unreasonable.

Decision: Carried

L2 Broken Hill City Council**Affordable housing solutions for regional communities – regional tax incentive**

That Local Government NSW calls on the Federal Government to create a regional tax incentive to equalise the current remote area Fringe Benefit Tax concessions from 50% to 100% to enable all employees residing in regional and remote communities across Australia access to the same allowances as their employers. The tax incentive will assist to drive regional relocation, to smooth out the volatility of housing prices with the aim to address the regional housing affordability crisis across Australia (especially in regional areas affected by the boom-bust cycle of mining industries).

Decision: Carried

L3 Randwick City Council**Waste to energy incinerators**

That Local Government NSW:

- a) Acknowledges concerns regarding the impact of waste to energy incinerators on communities and the environment;
- b) Notes that the Draft Regulations and the Environment Protection Authority's (EPA) Energy from Waste Infrastructure Plan would prohibit waste to energy incinerators in some places and not others;
- c) Considers burning energy an outdated technology and encourages diversion rather than incineration.

Decision: Carried