

POLICY PLATFORM

April 2021

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Introduction

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing general purpose councils and related entities.

LGNSW aims to strengthen and protect an effective, democratic system of local government across NSW by supporting and advocating on behalf of member councils, including actively and persuasively representing the views of local government to the NSW and Australian governments.

The LGNSW Policy Platform consolidates the voices of councils across NSW, reflecting the collective positions of local government on issues of importance and guiding LGNSW in its advocacy on behalf of the local government sector.

The Policy Platform comprises two parts:

- Part 1: **Fundamental Principles** and
- Part 2: **Position Statements**

Part 1: Fundamental Principles are the enduring and overarching principles that direct LGNSW's response to broad matters of importance to the local government sector.

Part 2: Position Statements contain LGNSW's more detailed positions on specific issues and guide LGNSW's work on, and response to, policy issues of the day. Position Statements are subordinate to LGNSW's Fundamental Principles but are more agile and targeted at specific policy issues as they arise.

Role of the Annual Conference and LGNSW Board

The LGNSW Annual Conference is the supreme policy-making body of LGNSW and an opportunity for councillors to come together to share ideas and debate issues that shape the way LGNSW is governed.

Members may put forward motions for consideration of the Annual Conference.¹ Where a majority of voting delegates at the Annual Conference vote in support of the motion, it is adopted as a resolution of LGNSW².

After each conference, LGNSW reviews resolutions and amends the Fundamental Principles and Position Statements as required. Conference resolutions rarely change the sector's views on high-level Fundamental Principles. Position Statements require refinements more regularly to reflect the sector's views on new or developing issues.

The LGNSW Board comprises councillors from member councils across NSW, who are elected to the LGNSW Board biennially at the Annual Conference.

The Board controls and governs LGNSW in between Annual Conferences and when decisions are required on policy positions for the local government sector (such as if there is no existing policy position on an issue that LGNSW must comment on), the Board and President can make that decision for the sector.

¹ Further information on this process is available in the LGNSW Conference Motions Submission Guide available online in the lead up to each LGNSW Annual Conference at www.lgnsw.org.au/events-training/local-government-nsw-annual-conference.

² Further information about the 2020 annual conference resolutions is available on the LGNSW website at <https://www.lgnsw.org.au/Public/Events/Annual-Conferences/Annual-Conference-2020>

Part 1: Fundamental Principles

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). 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.

Date Endorsed: November 2020 by LGNSW Conference

Part 2: Position Statements

1. Financial Sustainability

Local government is a partner in the economic stewardship of NSW and responsible for the provision of a wide range of essential infrastructure and services.

However, the financial sustainability of councils has been undermined by rate pegging for over 40 years, which has resulted in the under-provision of community infrastructure and services and the deferral of infrastructure maintenance and renewal expenditure resulting in significant infrastructure backlog.

Our Position

LGNSW advocates for:

- 1.1 The removal of rate pegging and reform of the NSW local government rating system, including the removal of inequitable rate exemptions and greater autonomy and flexibility in rating policy, structure and practices.
- 1.2 Greater autonomy in determining fees and charges.
- 1.3 FAGs to be increased to at least 1% of total Commonwealth taxation revenue.
- 1.4 Federal Government to increase FAGs funding to 1% of Commonwealth tax revenue, prior to any changes to the formula.
- 1.5 Increased specific purpose grants from State and Commonwealth Governments to assist councils in meeting the infrastructure and service needs of their communities (e.g. R2R, library grants).
- 1.6 An end to cost shifting onto local government by the State and Commonwealth Governments.
- 1.7 New and fairer financing opportunities for local government, with particular emphasis on infrastructure e.g. value capture, Voluntary Planning Agreements (VPAs) and fees and charges.
- 1.8 Permanent recurrent funding for Joint Organisations (JOs) to support their viability and effectiveness.
- 1.9 The introduction of a broad-based property levy to replace both the Emergency Services Levy on insurance policies and the 11.7% Emergency Services Levy on local government.
- 1.10 A more flexible procurement framework to enable councils to benefit from innovative procurement practices.
- 1.11 Inclusion of climate change considerations in approved terms of reference for investigations and reviews by IPART.

2. Economic Development

Councils have an active role in encouraging investment, place management and activation, and supporting businesses of all sizes. Whether the local economy is based on agriculture, mining, finance, manufacturing, tourism, hospitality, retail, education, forestry, fishing or other offerings, councils play a major role in creating the conditions for appealing and sustainable communities and local economies.

Our Position

LGNSW advocates for the NSW Government and Australian Government to:

- 2.1 Identify opportunities to support rural and regional growth and reduce pressures in Sydney.
- 2.2 Work with councils to establish and implement more Local Activation Precincts (LAPs), including those on a smaller scale, based on an LGA's endowments to attract major employers, drive local economies and create a diverse range of local jobs.
- 2.3 Reduce unnecessary regulatory complexity affecting local economies to support events, cultural and business uses.
- 2.4 Commitment to sustainable procurement to drive quadruple bottom line outcomes across local government functions and services including improved efficiency, reduced waste to landfill, financial savings, stimulating markets for innovative and more sustainable products and services, social responsibility, supporting local communities and businesses and helping to achieve long term environmental and social objectives.
- 2.5 Implement, in consultation with councils, an Agricultural Enterprise Credit Scheme and/or a Farm Management Deposit Scheme for businesses that rely on the agriculture sector for much of their revenue, to enhance economic sustainability of communities.
- 2.6 Support the development of night time economies through:
 - Developing a state-wide Night Time Economy Strategy, alongside toolkits, resources and grants for councils and safe public transport options at night.
 - Consultation with the NSW Night Time Economy Councils' Committee, LGNSW and councils
- 2.7 Invest in accessible, sustainable and low impact tourism experiences through:
 - Collaborating with councils on state-local destination plan development and collective marketing.
 - Broadening tourism funding eligibility for councils which do not benefit from the high levels of tourism associated with a higher density of state funded tourism facilities.
 - Establishing regional roadshows and touring schedules.
- 2.8 Adequately regulate tourist and short-term accommodation and its impacts through:
 - Retaining NSW Government (rather than industry) oversight of the property register for Short Term Rental Accommodation (STRA) and requiring STRA participants to pay a fee to cover the costs of regulation and compliance.
 - Instituting a booking tax for online accommodation brokers using residential zoned and rated land, with funds raised to be distributed to councils to fund public infrastructure to support tourism.
 - Allowing councils to apply business rates to serviced apartments that provide tourist accommodation on a commercial basis.
- 2.9 Increase the availability of slots for regional air services into Sydney Kingsford Smith Airport and investigate with councils improvements to transport routes around the airport.
- 2.10 Redevelop dated public housing to address housing shortages and stimulate local economies.

3. Roads and Infrastructure

Local government owns and manages \$160 billion in infrastructure assets including local roads, bridges, pedestrian and cycle networks, local water and sewerage utilities, stormwater and water management, buildings and facilities, regional airports and aerodromes, parks, recreation, cultural, family and community services facilities, and a range of other infrastructure vital to local communities, and is best placed to plan for and deliver this essential local infrastructure.

Local government also plays a key role in identifying and advocating for the provision of State Government infrastructure to meet the needs of their communities (e.g. schools, hospitals, state roads). State and Commonwealth Government growth plans and projects needs to make up front provision for the delivery of associated local infrastructure.

Our Position

LGNSW advocates for:

- 3.1 Effective coordination of State and Commonwealth funding programs where co-contribution is required.
- 3.2 State and Commonwealth Government growth plans and projects must make upfront provision for, and include, the delivery of associated local infrastructure.
- 3.3 Increased opportunity for community use of state and federal facilities.
- 3.4 Increased infrastructure funding to local government through Commonwealth and State Government revenue sharing and grant programs (e.g. Roads to Recovery, NSW block grants for regional roads, local water utilities, street lighting, library grants, waste and resource recovery).
- 3.5 The removal of rate pegging and other constraints on council revenue to assist councils in meeting the infrastructure funding needs of their communities.
- 3.6 The importance of infrastructure funding mechanisms such as Development Contributions and Voluntary Planning Agreements and the creation of other mechanisms for efficient and equitable value capture.
- 3.7 The removal of the cap on development contributions.
- 3.8 The review of the State Government's decision to allow deferral of local contributions payments.
- 3.9 Equitable infrastructure funding, so that Commonwealth and State assistance is directed to areas of greatest need.
- 3.10 Amendments to the Aboriginal Land Rights Act to streamline council acquisition of land held by Local Aboriginal Land Councils (LALCs) for infrastructure, but only where the LALC approves the acquisition.
- 3.11 The elimination of monopolistic practices by utility network operators (electricity, telecommunications, water and gas) that impose unjustified costs on councils and communities.
- 3.12 Fairer funding of infrastructure provided through long established partnerships between the Federal, NSW and local governments for shared infrastructure and service responsibilities.

4. Rural and Regional Communities

Delivering the infrastructure and services needs of rural and regional communities is an ongoing challenge for local government. Small, widely dispersed and sometimes remote communities can struggle to reconcile high delivery costs with a small own source revenue base and face a range of economic, demographic and environmental challenges, such as structural change, ageing populations, skills shortages, population decline and water insecurity that undermine long term sustainability.

The abrogation of responsibility for service delivery by State and Commonwealth Governments has added to these challenges and councils often have no choice other than to take on additional responsibilities (examples include support for medical services and aged care).

Our Position

LGNSW advocates for:

- 4.1 An audit of service delivery and funding flows into rural and regional NSW by State and Commonwealth agencies.
- 4.2 State and Commonwealth Government accept that rural councils will never be able to fund the basic standard of infrastructure and public services to which all Australians are entitled from own source revenue.
- 4.3 Recognition of the higher costs of infrastructure and service delivery faced by rural communities due to inherent and unavoidable economies of scale.
- 4.4 New models for rural and regional infrastructure, service delivery, health and mental health care, including consideration of council coordination and/or implementation that avoids cost shifting and is built on close collaboration between local, state and federal governments and NGOs.
- 4.5 Improved commercial airline services and public transport for regional communities.
- 4.6 Incentives and measures to increase domestic and international migration to inland rural and regional communities, including for experienced and qualified staff.
- 4.7 Action to address difficulties meeting Continuing Professional Development requirements for professionals working in rural and remote NSW
- 4.8 Increased funding for rural communities, including a strengthening of needs-based funding in the distribution of grants to local government.
- 4.9 Ensuring that regional and rural areas are adequately represented following electoral district redistributions.

5. Drought

It is widely accepted that climate change and other factors may result in more devastating drought conditions in future, with an increase in the frequency and duration of droughts.

As the sphere of government closest to the community, councils have a critical local leadership role to play in planning, preparing, responding to, and recovering (PPRR) from drought and are uniquely placed to deliver services at the local level.

Our Position

LGNSW advocates for:

- 5.1 Recognition by State and Federal Government that drought is a natural disaster and that it be eligible for natural disaster funding
- 5.2 Development by the State Government of an emergency plan, in consultation with local government and Aboriginal communities, to address the immediate water supply crisis afflicting NSW towns and communities and a disaster recovery plan for when the drought breaks.
- 5.3 Increased emergency funding to support people suffering hardship as a result of drought (including farmers, small businesses and individuals) and the appointment of recovery coordinators, through the Joint Organisations, to facilitate implementation of recovery plans.
- 5.4 Development and implementation of integrated National and State Drought Policies which:
 - clearly define when an area is deemed to be in “drought”
 - list the range of assistance measures and triggers for when those measures will be activated
- 5.5 Development by the State Government, in partnership with local government and Aboriginal communities, of long-term water supply strategies for catchments throughout the State which mitigate risk from the predicted impact of climate change and to help ensure population and economic growth targets can be achieved and supported.
- 5.6 Substantial investment by State and Federal Government in regional and rural water supply infrastructure and demand management initiatives for drought proofing and water security measures and infrastructure.
- 5.7 Management of river systems to ensure the best possible social, economic and environmental outcomes are achieved, particularly during drought.

6. Natural Disaster and Emergency Management

All councils in NSW play a key role in all aspects of disaster (e.g. bushfire, earthquake, flood, storm, cyclone, storm surge, landslide, tsunami, meteorite strike, tornado and drought) and emergency management at the local and regional level.

In addition to statutory or regulatory responsibilities and despite limited means, councils also play a major role in providing support to their communities, volunteers and charities.

Issues requiring addressing include allocation of responsibilities for emergency management, adequacy and timeliness of funding, the absence of funding for betterment or mitigation works and the funding of council day labour.

Our Position

LGNSW advocates for:

- 6.1 The transfer of emergency management responsibilities to the NSW Government.
- 6.2 Prioritisation of the development and implementation of policies and programs to build the resilience of communities so that they can better withstand and recover from natural disasters.
- 6.3 Increased Federal funding and review of the DRFA to expand eligibility of assets and:
 - Ensure that repair of damage to road and bridge infrastructure as the result of natural disasters continues to be funded under the DRFA.
 - Streamline DRFA processes to help ensure funding is obtained on a timely basis.
 - Recognize rehabilitation of significant environmental damage for funding under the DRFA
 - Allow payment of day labour and council equipment costs under the DRFA.
- 6.4 Increased funding for mitigation and betterment measures, both in advance of disasters where the risks are identified and in the recovery stage.
- 6.5 Financial support for restoration, remediation and betterment of local community infrastructure that has been severely damaged by natural disasters including climatic conditions and drought.
- 6.6 NSW and Federal Government fully fund the clean up of damaged or destroyed buildings and structures, particularly those that contain asbestos, following natural disasters and establish and operate an Asbestos Emergency Management Flying Squad to provide expert advice to councils.
- 6.7 The NSW Government to support cultural burning for fire management on Crown land, National Parks and State Forests (and training and employment of Indigenous people for this task).
- 6.8 Streamlining approvals for constructing and maintaining asset protection zones (APZs) or undertaking hazard reduction burns, requiring appropriate APZs for urban settlements that interface with natural areas, and ensuring government managed forested areas maintain fire trails.
- 6.9 Appropriate recognition for individual first responders via a local government service award.
- 6.10 Urgent implementation and funding of the recommendations of the NSW Bushfire Inquiry.

7. Planning

Councils support an efficient, fair, and locally led planning system that prioritises quality of life and meets the needs and expectations of local communities.

Decisions of successive state governments have gradually diminished councils' and communities' authority to determine what and how development occurs in their local areas. Restoring community-led planning powers to local government is a longstanding advocacy priority for LGNSW.

Our Position

LGNSW advocates for:

- 7.1 The planning system to ensure the voice of local communities is heard through:
 - the well understood and accepted councillor representation system, which provides transparency and accessibility to communities,
 - genuine local representation, including councillors, on regional planning panels, and
 - third party merit appeal rights in respect of all categories of development applications, including decisions made by the Independent Planning Commission (IPC).
- 7.2 Local government to retain control over the determination of locally appropriate development. Local planning powers must not be overridden by State plans and policies or misuse of State Significant Development provisions.
- 7.3 Local government to be treated as a partner (not just another stakeholder) in metropolitan, regional and district planning processes - the role and voice of local government is vital in delivering productivity, liveability and sustainability.
- 7.4 Strategic (local, district and regional) plans that reflect the agreed planning outcomes from community engagement at local, regional/district and metropolitan levels.
- 7.5 The establishment and role of Local Planning Panels (LPPs) should be voluntary not mandatory. Where panels are mandatory, councils should be allowed to establish the thresholds and processes for public determination of matters referred to the Panel.
- 7.6 A review of State Environmental Planning Policies (SEPPs), with priority given to housing related SEPPs so that housing solutions developed by councils are not undermined and planning decisions relating to the location, type and design of local development (including education establishments and child care facilities) are returned to councils.
- 7.7 Councils and communities to be able to determine how housing is delivered in their local areas based on their local housing strategies and in particular:
 - Provide more discretion for councils to amend the SEPP (Exempt and Complying Development Codes) when applying it to their area, and
 - Allow for the Low Rise Housing Diversity Code to be optional, not mandatory.
- 7.7 State and federal governments to identify opportunities to support growth in rural and regional areas and reduce growth pressures in Sydney.
- 7.8 Reforms to the planning system to include a fundamental review of its primary purpose and work to improve its efficiency and effectiveness, by consolidating state policies and local plans in local planning instruments, streamlining plan-making and development assessment and ensuring councils have adequate powers to implement provisions.
- 7.9 A policy framework (with actions, responsibilities and timeframes) and mechanisms to deliver high level objectives in district and regional plans (including protecting employment lands, food security, liveability, sustainability, open space provision).
- 7.10 The State and Federal Governments to develop a strategic approach to state significant developments such as newly emerging solar farms to ensure their impact on farm land and

neighbouring communities is properly considered and local councils receive development contributions to fund the local infrastructure required to support them.

- 7.11 Greater independence and integrity in the development application process by introducing provision for councils, rather than proponents, to appoint independent consultants to undertake the reports needed for development assessment (such as Statements of Environmental Effects and Environmental Impact Statements).
- 7.12 The NSW Government assisting councils to fund the development and implementation of integration platforms between the NSW Government Planning Portal and local government document management and application systems.

8. Housing and Homelessness

Local councils, as the level of government closest to the community, play an important role in engaging with and planning for the needs of their communities. This includes planning to ensure there is an appropriate supply and mix of housing to meet the community's diverse and changing needs. Councils help shape and deliver housing policy objectives through their land use planning and community service responsibilities. Councils also prepare local housing strategies in consultation with communities, to detail how and where housing will be provided in local areas.

Councils also work closely with a range of specialist housing and homelessness services, domestic violence agencies and police to respond appropriately and with compassion to rough sleeping. While the NSW Government is ultimately responsible for housing and homelessness, councils are closely involved through maintaining public space, managing community concerns and complaints, conducting outreach programs, and safety measures such as clean-ups and syringe disposal.

Our Position

LGNSW advocates for:

- 8.1 The NSW and Australian Governments to address homelessness, the housing affordability crisis and access to public housing in metropolitan, regional and rural areas, including through:
 - providing funding for councils to deliver initiatives at the local level; and
 - implementing the Housing First model across NSW, with proactive outreach, crisis support and homelessness prevention measures including addressing co-morbidities.
- 8.2 The NSW Government, through implementation of the NSW Housing Strategy, to establish a clear framework for review of housing supply targets which includes concurrence with councils in setting these targets.
- 8.3 Minimum targets of 5-10 per cent social and affordable housing across NSW and 25 per cent for government-owned land, and a NSW Government commitment to clarifying roles and responsibilities and providing resources, policies and plans to meet these housing needs.
- 8.4 Action by the NSW Government towards achieving affordable housing targets through:
 - improving processes for the timely approval of affordable housing contributions schemes developed by councils under State Environmental Planning Policy 70 Affordable Housing (Revised Schemes) (SEPP 70), and
 - developing strategies to support local councils in NSW in increasing affordable housing in their local government areas.
- 8.5 The NSW Government working with councils and Aboriginal communities and organisations to set clear targets to reduce housing disadvantage impacting Aboriginal people in NSW.
- 8.6 Improved housing accessibility and liveability through:
 - an agreed legislated definition of accessibility incorporating universal design principles,
 - mandated minimum accessibility standards at the Liveable Housing Australia (LHA) Design Guidelines Gold Level (Option 3) or an equivalent standard at this level or higher,
 - linking and alignment of state and federal housing, ageing and disability strategies.
- 8.7 Policies and plans that enhance holistic sustainability outcomes in housing by requiring consideration of housing design (including site selection), construction and operation over its lifetime, minimising economic harm and considering economic and social sustainability.
- 8.8 Housing growth that meets community expectations, by contributing to place-making and the safety and quality of the built form.

9. Building Regulation and Certification

Successive NSW Governments have continued to extend the types of development that qualify as exempt and complying development. The NSW Government has also introduced a private registered certifier scheme to approve development without the need for development consent from council.

The issue of building defects is also of great concern to local government as the trend towards multi-storey apartments continues. LGNSW and councils have called on successive state governments to take actions to address deficiencies with building and certifier regulation and implement a system which ensures that all parties are responsible and accountable for their actions, and the community and public interest is at the forefront.

Our Position

LGNSW advocates for:

- 9.1 Development and implementation of a regulatory framework to ensure the building and certification system delivers well-built, safe and compliant buildings that protect the public interest.
- 9.2 Tighter and more effective regulation of private certifiers – new regulatory arrangements must be strong, proactively enforced and subject to regular and rigorous audit.
- 9.3 A gradual return of certification functions to councils if the NSW Government's building reforms do not deliver meaningful solutions to problems with the private certification system and address conflicts of interest.
- 9.4 The NSW Government taking a leadership role in the management of cladding issues by providing effective guidance and funding to deal with the cladding crisis and releasing details surrounding the identified high-risk buildings.
- 9.5 The NSW Government to fully implement the Construct NSW reform program and commit to expand reforms to building classes other than Class 2 (multi-unit buildings).
- 9.6 Complying development to be limited to low risk or low impact development, with clearly defined parameters.
- 9.7 Support from the NSW Government for more affordable access to the full suite of Australian Standards for the local government sector.

10. Climate Change

Local government has a significant role in reducing carbon emissions and adapting to the impacts of climate change. Councils are responsible for \$160 billion worth of assets. Reducing emissions can lower operating costs associated with these assets. The effects of climate change also have the potential to damage council assets, cause serious disruptions to the delivery of council services, generate unbudgeted financial impacts and affect the wellbeing of the community.

Our Position

LGNSW advocates for:

- 10.1 Urgent action to address the climate emergency in a bipartisan manner to make clear, effective and unambiguous steps to avert a climate crisis in NSW under four priority areas:
 - a) reduction of Australia's carbon emissions through effective mitigation strategies;
 - b) planning for and adapting to a changing climate;
 - c) significant structural adjustment in businesses and communities which may arise from transitioning to a low carbon economy and adapting to the impacts of climate change; and
 - d) the provision of leadership and support for both councils and their communities.
- 10.2 Ambitious but realistic policies and practices that promote council, community, industry and government commitment to renewable energy, energy conservation and energy efficiency.
- 10.3 An integrated approach to climate change mitigation and adaptation strategies, including shared responsibility and collaboration across all levels of government, industry and the community.
- 10.4 Long term consideration of climate change issues across all government functions and services.
- 10.5 Carbon emission reduction measures through a market mechanism across all sectors of the economy including energy generation, mining, transport, waste, construction, buildings and agriculture.
- 10.6 State Environmental Planning Policies that achieve improvements in liveability and sustainability of housing to:
 - a) ensure developments and precincts include measures to alleviate the urban heat island effect.
 - b) apply (or enable councils to apply) higher Building Sustainability Index (BASIX) targets and include other sustainability outcomes to improve housing stock resilience.
 - c) enable innovative approaches to community and public transport.
 - d) improve provisions to ensure the resilience of housing stock.
- 10.7 A renewable energy target of 40% by 2025 to support investment and market confidence in renewable energy projects.
- 10.8 Greater support to local government for coastal management especially in areas experiencing erosion exacerbated by state and federal infrastructure e.g. airports, ports and breakwaters.
- 10.9 Other spheres of government to work with and support councils to build resilience to current and future climate risks on the community and businesses.
- 10.10 Introducing a range of funding mechanisms that would allow councils to build climate resilience in their communities.
- 10.11 A mandatory government reporting framework for climate risk exposure.
- 10.12 Enable the uptake of zero and low carbon technologies including electric vehicles through appropriate investment, concessions and legislation.
- 10.13 Retention of the uranium mining ban in NSW, and support for sustainable and clean energy and jobs solutions.

11. Waste and Recycling

Councils provide waste, recycling and resource recovery services to the community, provide and operate recycling and disposal infrastructure and work tirelessly to reduce the amount of waste ending up in landfill by educating residents, businesses and schools about waste avoidance and recycling.

Councils continue to face significant challenges from increasing waste generation and lack of markets for Australian recycled content. All levels of government, as well as business and the community need to work together as we move to a more circular economy where materials and products remain within the economy for longer and waste is reduced.

Our Position

LGNSW advocates for:

- 11.1 The reinvestment by the NSW Government of the NSW waste levy collected from the community and industry to:
 - a) Urgently fund regions of councils to develop and implement 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.
 - b) Fund the delivery of priority infrastructure and other projects, procured by local government, that are needed to deliver the regional-scale plans, particularly where there is market failure identified in the regional plans.
 - c) Increase local and state government procurement of recycled goods made with domestic content, for example by:
 - adopting recycled content targets to help drive demand and provide incentives to deliver on these targets
 - funding further research, development and delivery of recycling technologies and products generated from recyclables, particularly by local or regional councils.
 - d) Fund and deliver state-wide education campaigns on the importance of recycling to encourage the right way to recycle, the purchase of products with recycled content, as well as promote waste avoidance.
 - e) Work with the Federal Government to introduce producer responsibility schemes for soft plastics and other emerging problem wastes such as paints, batteries, chemicals, mattresses, electronic waste, asbestos and sharps.
 - f) Facilitate research and engagement on waste to energy options in line with the waste hierarchy.
 - g) Rehabilitate orphan dump sites and address illegal dumping.
- 11.2 Support for innovative solutions to reduce waste and waste transport requirements, including a sustainable long-term solution for mixed waste organics.
- 11.3 Avoidance and minimisation of waste, including from building and construction sites with appropriately scaled fines for non-compliance.
- 11.4 Protection of existing and identification of new waste management locations.
- 11.5 Clear policy direction with regulatory certainty, achievable targets and implementation and funding pathways for delivery through e.g. NSW Waste Strategy, National Waste Policy, COAG targets.
- 11.6 Access to credible data and improved accountability to achieve best value for the community.

12. Biodiversity

Local Government supports the conservation of biological diversity. Councils are a key influence on local biodiversity management and have an essential role to play. This includes through planning and approval processes, community education and engagement activities, and as public land managers. Councils can develop biodiversity strategies and plans, protect biodiversity through their land use planning instruments, and manage biodiversity actively through specific programs and projects.

Councils also have a legislative mandate to manage the ongoing challenge of development pressure, natural disasters and maintenance of environmental values. Councils have responded through improved knowledge of, and strategic planning for, their local biodiversity including undertaking mapping and assessments, developing biodiversity strategies, policies and processes, and building staff capability.

Our Position

LGNSW advocates for:

- 12.1 Protection and management of local biodiversity on an 'avoid, minimise, offset' basis.
- 12.2 Closer coordination across spheres of government, and with other biodiversity resource managers, to include local biodiversity information and mapping in regional and state-wide approaches to biodiversity management.
- 12.3 Resources and assistance to councils to build capacity, review systems and implement changes to NSW legislation in relation to managing biodiversity.
- 12.4 Continuation of funding streams to support local land management activities to achieve biodiversity outcomes.
- 12.5 Policies and practices that maximise biodiversity and the protection of threatened and endangered species, including the development and maintenance of habitat corridors.
- 12.6 Wider recognition of the value of urban biodiversity and bushland areas and the implementation of management approaches to specifically meet the needs of these areas including incentives to protect mature urban vegetation.
- 12.7 Cross jurisdictional commitment to managing the threats to biodiversity including weeds, pests and other risks such as bushfires which impact on the integrity of local biodiversity and contribute to further losses.
- 12.8 A review of the 10/50 Vegetation Clearing Code of Practice to assess the safety benefits compared to the impacts on tree canopy.
- 12.9 Additional Ramsar site listings in recognition of the value of lake systems for aquatic biodiversity, supporting migratory bird species, fish nurseries and essential wetland processes.
- 12.10 The NSW Government to review the cumulative impacts of legislation governing land, water and natural resource management, and act to ensure the protection of biodiversity, threatened iconic species, water security, native forests and food security throughout NSW.

13. Biosecurity

Local government has a significant role in biosecurity including:

- as a local control authority (LCA) in regulating weeds under the *Biosecurity Act 2015*,
- as a land manager, to understand and implement its biosecurity responsibilities (e.g. weeds, pests), and
- in discharging regulatory responsibilities under the *Companion Animals Act 1998*, for domesticated cats and dogs.

Our Position

LGNSW advocates for:

- 13.1 A global ban on the trade in wild animals and wild animal products given their role in the emergence and spread of zoonotic diseases.
- 13.2 The concepts that underpin the Biosecurity Act, such as risk-based decision making and a tenure neutral approach to weed and pest management.
- 13.3 Local government representation on the Biosecurity Advisory Committee, established under the Biosecurity Act.
- 13.4 Changes to the weed management framework, including:
 - Funding stability and funding via the Weed Action Program to be increased to \$20M per year.
 - A review of the Weed Action Program administration to minimise any duplication or excessive reporting and auditing requirements applied to councils and county councils.
 - Penalties for weed-related offences set at levels high enough to act as a deterrent.
- 13.5 Local government to have input to the setting of relevant charges (for weed regulatory functions), and local government keeping any revenue from services or compliance and enforcement undertakings.
- 13.6 Amendments to legislation to enable councils to more effectively manage the nuisance effects of cats on residents and wildlife, including streamlining the process of animal registration, limiting the roaming of cats beyond their owner's property, and enabling a trap-neuter-return program.
- 13.7 Legislation to prevent the establishment of puppy farms in NSW and instigate a common database and better coordination between enforcement agencies across jurisdictions.

14. Health and Safety

All councils in NSW play an essential part in improving and safeguarding the health and safety of their communities. Local government also has statutory responsibilities for public health protection under the *Public Health Act 2010* and *Food Act 2003*, regulating food businesses as well as premises that may pose environmental health risks through legionella, skin penetration or exposure to hazardous materials including asbestos. Councils also provide communities with access to additional services to contribute to community health, including immunisation clinics, sporting and recreation facilities and open space, mental health and physical activity programs, clean drinking water and no-smoking zones. Councils further have a role in considering how the built environment can be planned to promote health and safety.

Council involvement in community safety and crime prevention initiatives is often in partnership with police and other government and non-government organisations, engaging with communities to understand and develop strategies to address local crime issues.

Our Position

LGNSW advocates for:

- 14.1 Practical reforms and initiatives that improve public health and safety but do not represent cost shifting or burden the limited resources of local government without providing adequate funding or cost recovery mechanisms.
- 14.2 Legislative amendments to enable council rangers to issue fines and penalty amounts equivalent to NSW Health for breaches of the *Smoke-free Environment Act 2000*.
- 14.3 The NSW Government to take action to protect human health and the environment by:
 - making asbestos identification, removal, transport and disposal cheaper, easier, and safer.
 - working with the Federal government to ensure that all vehicles imported into Australia meet the highest EU standards for emissions.
 - introduce tax initiatives to encourage the up-take of electric powered vehicles in order to phase out the reliance on fossil fuels.
 - assisting communities to address breaches of national air quality standards.
 - implementing tighter controls on facilities at high risk of causing dust and air pollution.
- 14.4 The NSW Government to ensure that any new schools constructed in a local government area provide appropriately sized off-street drop off and pick up zones.
- 14.5 The NSW Government to allocate more resources for increased police numbers and state regulatory inspections, to improve response times, particularly in regional and rural NSW.
- 14.6 The state and federal governments to fund councils and community organisations to manage anti-terror and security related risks at events and in crowded places.
- 14.7 Amendments to noise control regulations to ensure that general activities within a park cannot be deemed intrusive or offensive during certain hours of the day.
- 14.8 Increased local government involvement in determination of gaming machine applications with priority consideration given to social impact.
- 14.9 Funding, resources and initiatives to address the prevalence of domestic and family violence (DFV) in NSW, including Crimes Act recognition that coercive control and dowry abuse are forms of DFV, and funding a DFV prevention officer to work with NSW councils.

15. Libraries, Arts and Culture

Local government provides art galleries, museums, libraries and cultural services which are vital in enabling communities to participate in artistic and cultural expression. Councils provide almost 400 free public library services in NSW, including central, branch and mobile libraries in NSW. The right to equitable access to basic information is a cornerstone of democratic society.

Our Position

LGNSW calls on State and Commonwealth governments to:

- 15.1 Support the critical role of public libraries in communities by:
 - Reversing the significant decrease in the State Government expenditure as a proportion of total expenditure on public libraries that has occurred since the 1980s.
 - Creating a sustainable funding model for public libraries that indexes funding to CPI and is protected in legislation.
 - Investigating systems to provide communities throughout NSW with greater access to larger collections and library resources and materials.
- 15.2 Devise a museum strategy for NSW with sufficient resources to ensure cultural heritage led vibrancy, collection care and local storytelling initiatives are supported, developed and maintained for communities throughout NSW.
- 15.3 Ensure councils receive a fair share of funding from and access to government arts and culture programs.
- 15.4 Recognise the challenges for small, regional and remote councils and prioritise them for arts and cultural funding relative to the large State Cultural Institutions.
- 15.5 Provide stimulus and recovery funding to councils to promote and support arts and culture, including for galleries, performance, exhibitions and festivals.

16. Elections and Democracy

Councils are elected to shape, serve, support and give voice to their communities, to whom they are democratically accountable. The NSW and Australian governments must respect local government as an equal sphere of government and must not seek to impose decisions on local government that fundamentally affect the ability of democratically elected councillors to reflect the views of their communities on local government matters.

Councils call for local government elections to be conducted in a manner as similar as possible to State elections to make democratic participation similar for voters and to support voter turnout.

Our Position

LGNSW advocates for the NSW Government to:

- 16.1 Amend the *Local Government Act 1993* (LG Act) to prevent the forced amalgamation of councils or significant boundary alteration without the support of a plebiscite.
- 16.2 Amend the LG Act to limit the power of the Minister for Local Government to suspend or dismiss democratically elected councils in all but the most extraordinary circumstances.
- 16.3 Permit newly amalgamated councils that have been divided into wards as part of a larger council area to revert to their status as undivided electorates.
- 16.4 Amend the Local Government (General) Regulation 2005 to shorten the pre-poll voting period to the period including the Saturday to Friday of the week before Election Day.
- 16.5 Ensure councils and communities retain choice in their method of voting and does not impose universal postal voting.
- 16.6 Amend the LG Act to ensure that councillors and candidates who are members of a registered political party, or have been a member of a registered political party during at any time during the 12 months prior to seeking council election/re-election, be prohibited from using the word 'Independent' beside their name on the ballot paper and on all electoral materials.
- 16.7 Amend the LG Act to ensure a person may only nominate for election to a particular council if they are a resident or ratepayer.
- 16.8 Eliminate the need for council by-elections, by extending countback provisions to the first two years of a council term, and extending the minister's discretion to provide councils with the option of avoiding a by-election for a casual vacancy during the latter two years of a council term.
- 16.9 Implement measures such as information sessions and training programs to increase the diversity of candidates standing for local government elections.
- 16.10 Legislate so that LG elections are to be conducted by the NSW Electoral Commission only.
- 16.11 Reduce the cost of conducting LG elections, including through:
 - (a) a commitment that the NSW Electoral Commission not be permitted to increase the cost of elections by more than the rate cap limit imposed on LG rates
 - (b) directly offsetting the cost of LG elections with significant fine revenue from non-voting
 - (c) trialling online voting initiatives.

17. Governance

Local government is committed to the principles of good governance and 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.

Governance

LGNSW advocates for the NSW Government to:

- 17.1 Establish a panel of independent members with specific local government knowledge, for appointment to local councils' Audit, Risk and Improvement Committees.
- 17.2 Review the guidelines for Audit, Risk and Improvement Committees to reduce the exclusion period for former councillors and staff, to support rural and regional councils.
- 17.3 Amend the LG Act to strengthen requirements for general managers to provide councillors with the information required to perform their functions.
- 17.4 Invest more resources into managing Code of Conduct complaints to ensure they are dealt with efficiently and effectively.
- 17.5 Amend the gifts and benefits provisions in the Model Code of Conduct so that the token value amount be removed and replaced with the provisions that apply in the Code of Conduct for Members of the NSW Parliament.
- 17.6 Amend the LG Act and Model Code of Meeting Practice to require councils to publish unconfirmed minutes of council and committee meetings and provide suitable legal protection for councils to act on decisions before the minutes are confirmed.
- 17.7 Permit councillors to attend and participate in council meetings by audio-visual means.
- 17.8 In the interests of safety and privacy, review the Information and Privacy Commission requirement for returns of interest disclosures to be published online.
- 17.9 Legislate to make it an offence for any person to threaten, incite violence, intimidate, menace or harass any person exercising functions under the Local Government Act or any other Act or regulation that confers functions on a council, and disqualify any person who has committed such an offence from holding public office for local government in NSW.
- 17.10 Require Working With Children Checks and police checks for councillors.
- 17.11 Improve accessibility and compliance outcomes by simplifying all forms and processes for candidates and public office holders and permitting documents to be signed and lodged electronically.
- 17.12 Restore funding to ensure the independence of the Independent Commission Against Corruption in NSW. LGNSW also supports establishing a similar body federally.

18. Councillor Conditions and Remuneration

The increasing workload and accountability of elected representatives (particularly in recent years) may mean that, without proper compensation, fewer people are likely to put themselves forward for public office. To attract a diverse array of talented candidates for election, the local government sector should be able to offer conditions and compensation, including superannuation, comparable to that available from the work activities mayors and councillors forgo in order to serve on councils.

Our Position

LGNSW advocates for the NSW Government to:

- 18.1 Investigate options for full time councillors in NSW.
- 18.2 Fund ongoing councillor professional development.
- 18.3 Repeal s242A of the LG Act so that the Local Government Remuneration Tribunal (LGRT) is able to determine fair and reasonable fees for councillors and mayors, unfettered by the Public Sector Wages Policy (and the LGRT to determine the maximum permissible remuneration increase for councillors and mayors while the NSW Public Sector Wages Policy still applies)
- 18.4 Amend s241 of the LG Act to remove reference to maximum and minimum fees payable, so that the LGRT determines the actual annual remuneration for councillors and mayors.
- 18.5 Amend s240(1) of the LG Act to include councils' financial position and/or performance as additional criteria that the LGRT must have regard to when determining categories for councils and mayors.
- 18.6 Legislate to require compulsory superannuation payment to councillors and mayors at the rate equivalent to the rate set out in the *Superannuation Guarantee (Administration) Act 1992* (Cth).
- 18.7 Require all councils, county councils and Joint Organisations to have personal accident insurance cover for all councillors while performing their functions, equivalent to the level of insurance employees receive under NSW workers' compensation legislation.

19. Strong and Inclusive Communities

Local government is a significant provider and supporter of essential services to all members of the community including older people, people with disability, families, children, young people, Aboriginal people and people from all cultures and backgrounds. Councils also support refugee resettlement, services for newly arrived migrants and hold citizenship ceremonies and Harmony Day events. Councils fill the gaps in the provision of essential human services when there are no other providers, particularly in rural and remote areas, and advocate for equitable access to infrastructure and services.

Our Position

LGNSW advocates for:

- 19.1 Continued State and Commonwealth funding to supplement the contribution of NSW councils of approximately 60% towards the cost of community development, ageing and disability staff positions.
- 19.2 Increased support for councils and communities that resettle refugees and welcome multicultural communities, including through:
 - A broader humanitarian resettlement strategy to encourage and support distribution of resettlement across NSW and Australia,
 - Support to areas where concentrated resettlement occurs to address social and economic impact gaps (including housing affordability, employment, infrastructure and services).
 - Funding for councils' roles, responsibilities and activities that support multicultural communities and promote social cohesion, including refugee resettlement.
 - Reviewing restrictive eligibility requirements of the Status Resolution Support Scheme and restoring access to this program for all people seeking asylum until their status is resolved.
- 19.3 Funding to support participation of people with disability in their communities, including:
 - Funding to implement actions and projects identified in council Disability Inclusion Action Plans.
 - Funding to councils for community support, information, and referral and capacity building initiatives.
- 19.4 The NSW Government to support and encourage inclusive consultation and engagement approaches, in consultation with councils and including technological options for people with disability.
- 19.5 Funding and policy settings to address accessible and liveable housing design standards, housing affordability, access to public housing, and homelessness, including funding for councils to deliver initiatives at the local level.
- 19.6 NSW Health to retain ownership of its aged care and disability facilities.
- 19.7 Amendment of the *Local Government Act 1993* to explicitly require Equal Employment Opportunity management plans to include provisions for targeted programs to increase employment opportunities for Aboriginal and Torres Strait Islander people.
- 19.8 Funding support for volunteers and volunteer development programs, including for community organisations that engage volunteers.
- 19.9 An urgent increase in the rate of Newstart and Youth Allowance by a minimum of \$100 per week.
- 19.10 An increase in Government support for vulnerable children and young people to meet demand for rehabilitation services, early intervention and justice initiatives.
- 19.11 Adequate funding for council-run youth and children services and recognition that councils are an essential provider of services to children and young people.

- 19.12 Initiatives to address skill shortages and impediments to employment and training, injecting significant funds into TAFE and the higher education system to redress recent funding cuts and the impacts of TAFE deregulation.

20. Aboriginal Constitutional Recognition

LGNSW acknowledges the significance of the Statement from the Heart issued at the 2017 First Nations National Constitutional Convention at Uluru and supports the principle of the Constitutional recognition of Aboriginal and Torres Strait Islander Australians. Australia is one of the few first world nations with a colonial history that does not recognise its Aboriginal population in the Constitution.

LGNSW believes that Constitutional change will build stronger relationships of trust and mutual respect between Aboriginal and Torres Strait Islander peoples and other Australians. Local government in NSW can be instrumental in this campaign as it is best connected to communities at the grass roots level.

Our Position

LGNSW:

- 20.1 Supports the recommendations of the Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples, and seeks that the Australian Government initiate a process of co-design with Aboriginal and Torres Strait Islander peoples, consider establishing a First Nations Voice, support the process of truth-telling and consider the establishment of a National Resting Place (or Places) for commemoration, healing and reflection.
- 20.2 Encourages councils to progress the Constitutional recognition campaign at the local level and build support among all political leaders to advocate for a referendum.
- 20.3 Supports community awareness campaigns on the importance of Constitutional recognition to redress any disproportionate disadvantage experienced by Aboriginal and Torres Strait Islander peoples.

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