

Decisions of Conference

This section lists matters considered by the 2004 Local Government Association Annual Conference, 24 – 27 October 2004 in Armidale.

It contains all motions which were debated and adopted at the Conference, including late motions which were accepted for discussion in accordance with sessional orders and motions introduced as a result of discussion during the Conference.

Resolutions

Procedural

1 - The Executive

That Sessional Orders as printed at pages 18-20 be adopted.

Association Matters

2 - The Executive

That the Treasurer's Report be adopted.

3 - Rous Water

That the Local Government Association confirm its support for the merger of the two associations on the basis of a constitution that represents the interests of all councils.

4 - Camden

That Clause 24(a) of the Constitution be amended to append the following phrase “and to include all Category 2 Councils as determined by the Local Government Remuneration Tribunal from time to time.”

Bush Fire & Emergency Services

5 - Shoalhaven

That the State Government introduce a financial support system for the delivery of Surf Lifesaving Services in NSW.

6 - Penrith & Blue Mountains

That the Local Government Association request the State Government to:

- a) clarify councils' total contribution to the NSW Rural Fire Service, both financial and that envisaged through Service Level Agreements;
- b) clarify the ownership of assets utilised solely on Rural Fire Service responsibilities, including insurance expectations; and
- c) advise councils of the requested level of annual financial contribution to the NSW Rural Fire Fighting Fund at least 6 months prior to the commencement of the financial year so councils can pursue the necessary budget strategies.

7 - Blacktown

That the Local Government Association seek clarification from the NSW Rural Fire Service (RFS) as to the financial arrangements for annual contributions to the NSW Rural Fire Fighting Fund. Further,

that the NSW Rural Fire Service be asked to provide this information to councils so that they can have adequate time to properly budget for the cost of the service.

8 - Port Stephens

That the Association seek acknowledgment from the State Government of the cost shifting relative to the implementation of the Rural Fires Act 1997 and request additional financial support to offset the burden on Local Government.

Community Planning & Services

9 - Blacktown

That the Local Government Association calls on the Minister to review the structure of the Academy of Sport in Western Sydney in conjunction with Western Sydney councils to provide each member council with a position on the Board and to provide equity for the Western Sydney councils in relation to the other academies throughout the state.

10 - Greater Taree

Lost

11 - Hurstville

That the State and Federal Governments be requested to join with local government in looking for increased affordable non profit models of childcare provision – recognising the increased regulation of the industry in the wake of very good child protection reforms – particularly focusing on provision that will assist women in low to middle income families so they can seriously consider returning to work and retaining their skills, self-esteem in the work place and some degree of financial independence.

12 - Penrith

The Local Government Association calls upon the NSW State Government to review the disjointed and inequitable models of funding for, and delivery of preschool education, and requests that the NSW Government develop a policy and funding model through one authority or funding model that provides equitable, affordable access to preschool education for all preschool children during their formative years.

13 - Pittwater

Covered

14 - Penrith

That the Local Government Association call upon the Federal Minister for Family and Community Services to adopt a national needs based planning framework for the release of adequate Child Care Benefit (CCB) funded places for families requiring Out Of School Hours Care services, and that this should include community consultation forums to identify and prioritise the distribution of CCB places to areas of need.

15 - North Sydney

That the Commonwealth Government provide establishment grants to carers within the Family Day Care Scheme, with a particular view to assisting them to meet forthcoming safety regulations.

16 - North Sydney

That the State Government provide additional operational funds for new Occasional Care Services and Preschools in areas of high need.

17 - Penrith

That the Local Government Association call upon the Federal Minister for Family and Community Services to review the Federal Government planning policy to ensure equity of access to affordable quality children's services for parents of children aged 0-2 years through a national needs based planning process and the controlled distribution of revised levels of funding for CCB places, and that this should include community consultation forums to identify and prioritise the distribution of CCB places to areas of need.

18 - Canterbury

That the Local Government Association make representations to State and Federal Governments for increased funding for health related community transport.

19 - Canterbury

That the NSW State Government be requested to immediately increase support and funding to community neighbourhood centres for the development of early intervention domestic violence programs.

20 - Blacktown

That the State Government be requested to support the incorporation of a co-ordinated response to domestic violence issues associated with State Courthouses and to provide ongoing funding for co-ordinated domestic violence programs.

21 - Pittwater

That a request be made to the NSW Department of Education to include the Local Economy in Economic/Commercial Studies for secondary schools and encouragement be given to partnerships with local councils to build on local economic databases by research and survey as part of the curriculum.

22 - Holroyd

That the Local Government Association of NSW call upon the State Government to set up a Western Sydney Regional Advisory Panel incorporating elected representatives from each council to examine and plan for secondary and primary education infrastructure needs in Western Sydney based around existing demand from population growth and projected growth.

23 - Holroyd

That the Local Government Association of NSW requests the State Government to increase funding to Council-auspiced services and projects in line with recent funding increases to community-auspiced projects which are based on the SACS Award.

24 - Blacktown

That the State Government be requested to resume funding to the Specialist Migrant Placement Project and Mature Workers Program.

25 - Canterbury

Covered

26 - Holroyd

Covered

27 - North Sydney

That the State Government support a comprehensive campaign on graffiti, including (i) removing the disincentive from the Local Government Act, which makes councils open to being sued for damages, when removing graffiti from private property, (ii) through setting high standards for State instrumentalities in graffiti removal from their property, and (iii) through financial support of community graffiti removal program.

28 - Holroyd

That the Local Government Association of NSW recommends that:

- a) the Australian Government negotiate with telecommunications carriers to establish a discount rate for broadband access to public libraries and, if negotiations are not successful, consider imposing a requirement on carriers under the Universal Service Obligation arrangement; and
- b) further funds be allocated under the National Broadband Strategy for expanding broadband access in libraries.

29 - Holroyd

That the Local Government Association of NSW recommends that the Australian Government fund another round of AccessAbility grants for the purpose of facilitating ongoing research into the identification and testing of adaptive technologies for the use of online equipment in public libraries by persons with disabilities.

30 - North Sydney

That the State Government exclude library grants to local government, including funds allocated to NSW.net, from the 3% reduction in funding required of all NSW Government Agencies for 2004-5 and ongoing. And furthermore, that the State Government not require the State Library's core budget to bear the cost of this exclusion.

31 - Pittwater

That the Local Government Association monitor the expenditure of the \$2 million allocated to the funding of NSW.net in the 2004/2005 State Budget to ensure that it is targeted in the areas intended and report back to member councils on the result.

32 - Blacktown

That the Federal Government be requested to correct the inequitable situation where married pensioners can accumulate 52 scripts per year between them and a single pensioner must also accumulate 52 scripts per year on their own, before benefits apply.

33 - Canterbury

That the Local Government Association make representations to State and Federal Governments for funding to provide an increase in the number of physical activity opportunities to increase the health and well-being of local residents to prevent the onset of age-related health complaints.

34 - Coffs Harbour

That the Local Government Association petition the Minister for Health, The Hon. Morris Iemma MP to provide funding for the ongoing maintenance of fluoridation systems.

35 - Manly

That the Federal and State governments overseeing recreation, health and urban development, as part of the fight against increased obesity in the community, be asked to increase the level of funding to local government for the development and maintenance of sport and recreation infrastructure.

36 - Campbelltown

That the Local Government Association supports the issue of Penalty Infringement Notices for offences under the Public Health Act 1991.

37 - Pittwater

That the Local Government Association lobby the State Government for the introduction of penalty infringement notices for minor offences under the Food Act.

38 - Penrith

That the NSW Government provide additional funding for programs to support the development of social capital for emerging communities in new release areas.

39 - Gunnedah

That the State and Federal Governments significantly increase funding to address the continued loss of life through suicide. Such funds to be utilised for research into preventative solutions, educational and awareness programs and any other proactive initiatives that will reduce the occurrence of this community tragedy.

40 - Pittwater

That the Local Government Association encourage local councils to provide a range of youth facilities and activities in their Local Environment Plan, in Section 94 planning and in major development projects. That local councils are encouraged to consult with local youth in the development of such plans.

40.1 Sydney/Newcastle RALC (late 238)

1. That the Aboriginal Land Council delegates acknowledge the continued support of the Local Government Association regarding the significant and historical achievement of the Land Council network continuing membership, currently under threat, of the Association. This Conference condemns the actions of the Administrator of the NSW Aboriginal Land Council for his failure to ensure adequate funding within the proper timeframe needed for the delegates of the thirteen Regional Aboriginal Land Council members to attend this Conference. This Conference calls on the Minister for Aboriginal Affairs to intervene and request the Administrator of the NSW Aboriginal Land Council to ensure the Aboriginal Peoples peak body continue to finance and maintain the continued Aboriginal representation within the Association.

40.2 Sydney/Newcastle RALC (late 238.1)

That all councils who value and look forward to full participation of ALC delegates at annual conference write to the Minister requesting that he direct the Administrator of NSW ALC to make funds available for ALC delegates to participate in conferences.

40.3 -Sydney/Newcastle ALC (late 239)

2. As a result of the abolition of ATSIC and the sacking of the councillors on NSW ALC, the Aboriginal elected voice at both a State and National level, the Sydney/Newcastle Region Aboriginal Land Council calls on the Local Government Association to make representations to the state and federal governments regarding the following:

1. In recognition of the high needs of Indigenous Australian communities and the important role of Indigenous organisation and staff in providing appropriate services and better linking Government Departments to communities that: a collaborative and consultative approach be adopted by Local, State and Federal Government as a first principal.
2. The views of Indigenous Australians must be sought and as far as possible acted on.
3. Approaches such as tendering, privatising and mainstreaming should only be considered if collaborative approaches to service improvement fail.

40.4 - Sydney/Newcastle ALC (late 240)

3. The Sydney/Newcastle Region Aboriginal Land Council request the Local Government Association, in their advocacy role, to urge all councils in NSW to make representations on behalf of their Aboriginal constituents to relevant agencies who now have responsibility for service delivery to Aboriginal peoples so that relevant and integrated services continue to be available to Aboriginal peoples.

40.5 - Sydney/Newcastle ALC (late 241)

4. The Local Government Association encourage councils in NSW to consult with relevant Local Aboriginal Land Councils and develop cooperative agreements to ensure that consultation takes place when undertaking planning or reviews that might impact on the development potential of land owned by Local Aboriginal Land Councils.

40.6- Sydney/Newcastle ALC (late 242)

5. The Darkinjung Local Aboriginal Land Council seeks the support of the Local Government Association regarding the submission of the Darkinjung Local Aboriginal Land Council to the State Government regarding 'Constitutional Recognition for NSW First Peoples'.

That the matter be referred to the Executive.

Finance & Economic Development

41 - Pittwater

That the Local Government Association lobby the State Government to seek an amendment to the regulation (exemption from) tendering under Section 55 of the Local Government Act 1993 to review the threshold amount annually.

42 - Pittwater

That the Minister for Small Business be lobbied seeking a review of the decision to reduce the number of Business Enterprise Centres in New South Wales from 50 to 18.

43 - Greater Argyle

Covered

44 - Shoalhaven

That the Association invite member councils to submit nominations for membership of the Department of Lands Caravan Parks Levy Committee upon expiring of the term of the incumbent Association representative of that Committee.

45 - Waverley

Local Government acknowledges the economic impact of tourism on local councils and calls for a substantial financial commitment from the Federal Government towards assisting Local Government with the provision of services to manage heavy visitation.

46 - Pittwater

That the Local Government Association lobby the Minister for Lands seeking the streamlining of current processes and reduction in duplication for the granting of leases on Crown Land under the Trusteeship or management of local councils.

47 - Albury

That the Local Government Association of NSW, in conjunction with the NSW Government, work to further develop migration strategies to attract skilled migrants to regional centres.

48 - Blacktown

That the Conference calls upon the State Government to amend Section 555 (1)(a) of the Local Government Act 1993, so that the exemption from rating under the provision of this section of the Act, is not applicable to land that is acquired for a Motorway or Busway.

That the matter be referred to the Executive.

49 - Newcastle

That the Local Government Association write to the State Government requesting:

1. An urgent review of the current rate rebate provisions of the Local Government Act to increase the quantum paid by the State Government to more appropriate levels and to include other low income earners (including self-funded retirees) in the relief provisions.
2. That policy and legislation be changed to ensure that all State Government Business Enterprises pay council rates.
3. That the State Government passes on to councils a direct share of the Federal Government competition payments.
4. That the State Government advocates to the Federal Government:
 - a) The recognition of Local Government in the Australian Constitution and that a referendum on the matter be scheduled as soon as possible.
 - b) That Local Government be partly funded direct from Federal tax receipts.
5. A copy of the letter be forwarded to the Federal Minister for Local Government, each Federal and State Member of Parliament within the Newcastle Local Government Area and NSW and Australian Local Government Associations.

50 - Coffs Harbour

Covered

51 - Lithgow

Covered

52 - Shoalhaven

That the Local Government Association request the Minister for Local Government to amend section 575 of the Local Government Act (1993) to properly reflect the changing nature of the way NSW councils are being directed to levy water and sewer charges.

53 - Pittwater

That the Local Government Association establish a working party with the Department of Local Government to develop meaningful comparative indicators that allow the community of New South Wales to reasonably assess the performance of their council.

54 - Newcastle

Lost

55 - Great Lakes

That the Association pursue changes to the Local Government Act to ensure that all properties designed and used for long term residential use be either individually rated or if rated as a single entity subject to a base amount/minimum rate for each dwelling/unit.

That this matter be referred to the rate pegging taskforce.

56 - Coffs Harbour

That the Local Government Association support a submission to the Minister for Local Government, by the Coffs Harbour City Council, to amend the Rating provisions of the Local Government Act so as to provide the opportunity to create more flexibility in rating and provide similar rating structure options as are available in other States by permitting:-

- The incremental implementation of new valuations,
- The banding of valuation ranges for the determining of differential rates,
- Income from Base Amounts to be greater than 50%, subject to Ministerial discretion,
- More flexibility in the determination of Rating Sub-Categories for Residential and Business and
- To remove the requirement for a Farmland Ad Valorem rate to be the lowest Ad Valorem rate,
- Allow residential flats to be rated separately, so that there is a parity with the rating of Lots within strata schemes, thus providing optimum opportunity for councils to comply with their obligation, required under their charter prescribed in Section 8 of the Local Government Act, to raise funds for local purposes by the fair imposition of Rates, Charges & Fees.

That this matter be referred to the rate pegging taskforce.

57 - Wyong

That the Associations lobby the New South Wales Government to cease their current program of dismantling regional government offices, services and funding, which has resulted in the loss of regional status for individual communities.

58 - Fairfield & Sutherland

- That a fee be regulated to be imposed in relation to the information that is publicly available pursuant to Section 12 of the Local Government Act.
- That any fee be based on cost recovery and not revenue raising.
- That access to information on current development applications and council management plans continue to be free.
- That the Local Government Association seek an increase in the schedule of fees under the FOI Act.

General

58.1 - The Executive

1. That Local Government in NSW and the Associations continue to provide support to the "community to community" friendship relationship program, and write to the Consul General for Timor-Leste confirming the support.
2. That Local Government Association host the first meeting of the national steering committee of the "community to community" friendship relationships.
3. That a space be provided in the trade display area to provide information on the program in consultation with the Consul General, the Australia East Timor Association and interested councils.
4. That information on East Timor-Leste be progressively made available on the Association's website.

58.2 - Wyong Shire Council

1. That the member councils of the NSW Local Government Association consider contributing to the Bali Peace Park fund with the objective of purchasing the Sari Club and Paddys sites to

- establish a park and peace centre as a permanent memorial and gifted to the Balinese people from the people of Australia.
2. That the NSW Local Government Association approach the Shires Association seeking support for the initiative.
 3. That the NSW Local Government Association approach the Australian Local Government Association seeking support for the establishment of a national local government fund for the initiative.
 4. That any funds donated be managed by the Australian Local Government Association.
 5. That the Local Government Association also seek funding and support from the State and Federal Governments.

That this matter be supported in principle subject to satisfactory resolution of land ownership issues, and ongoing maintenance, and appropriate community consultation.

59 - Leichhardt

That this Conference write to the Minister for Foreign Affairs Alexander Downer advocating a boundary based on international standards that will maximise the revenue from the oil and gas reserves in the Timor Gap for the people of East Timor.

59.1- The Executive

That this Conference endorses the New South Wales Local Government Women's Charter as printed. "This charter enshrines the principles expressed in national and international protocols which highlight equal rights and opportunities as central to good local governance.

This includes:

- the Declaration on the Role of Australian Local Government (1997);
- the Worldwide Declaration on Women in Local Government (1998);
- the National Framework for Women in Local Government (2001)

In support of increased women's participation in local decision making and in democratic local governance in New South Wales, both in terms of elected representation and across all levels of employment, we, as representative agencies, support the following principles:

- That women and men have an equal right to be representatives in local governance.
- That women and men have an equal right to employment in local government and equality in recruitment procedures.
- That, in recognition of the value of different experiences and perspectives, councils and communities encourage and welcome the participation of women in all aspects of local government.
- Local governments are in a unique position to work with the community to increase the numbers and participation of women in public life, so that decision-making more clearly represents and reflects the interests and demography of communities.

Planning & Environment

59.2 - The Executive

1. That representations be made to instigate a review into the appropriate Australian Standard to upgrade the awareness of the issue of low impact telecommunications facilities and clarify issues and other environmental aspects of the legislation including the issues of cumulative impact.
2. That further representations be made to the Australian Government to clarify the definition of a low impact facility.
3. That following response to these matters, consideration to the alteration of Local Government Association policy should be made.

59.3 - Blacktown

1. Conference notes with concern a proposal by Sydney Water to contract out road restoration services.
2. Conference expresses its concern to Sydney Water that this move has been proposed without consultation with affected local councils, especially as contracting out may severely affect the ability of a council to achieve appropriate and timely restoration of damaged pavements.
3. Conference requests the Executive to seek urgent discussions with Sydney Water so that the interests of local communities and councils can be protected.

59.4 - Baulkham Hills

That in light of continued concerns about accountability of general managers to a mayor and council, and the impact that this can have upon the organisation and the community, the Local Government Association be requested to form a Working Party consisting of mayors and councillors to develop a submission to the Minister for Local Government seeking amendments to the Local Government Act or Regulations.

60 - The Executive

That the Local Government Association express its disappointment to both Ministers Knowles and Beamer that local government has not been involved in the current review of accreditation of council certifiers and call upon the state government to stop the development of a competency framework for the accreditation of council certifiers to allow consultation with all industry stakeholders including local government to identify better alternatives. Further, the Association proposes that councils be accredited rather than individual certifiers within councils, and that if further consideration is required, it supports the modernisation and updating of Ordinance 4 Certificates.

61 - Canterbury

That representations be made to the Minister for Infrastructure, Planning and Natural Resources (DIPNR) requesting an immediate review of building certification by accredited private certifiers to ensure the provision of access for people with disabilities.

62 - Fairfield

That the Protection of the Environment Operations Act, 1997 be amended to provide that if a person displays an advertising poster in or on a public place or on anything in or on a public place without approval then that person, any person named in that advertising poster and the owner or occupier of any premises referred to in that poster, are each guilty of an offence and that the amendment provide for councils to issue penalty infringement notices in relation to such offences.

That the matter be referred to the Executive.

63 - North Sydney

Covered

64 - Canterbury

Covered

65 - Willoughby

That the Local Government Association lobby the State and Federal Governments to introduce legislation to facilitate developers incorporating affordable dwellings within all multi-dwelling development.

66 - Manly

That the LGSA and member Councils make representations to the State Government for SEPP 10 and SEPP 70 amendments to ensure that:-

- The social impacts of loss of low-cost housing as defined in Clause 7 of SEPP 10 (and in particular cumulative losses) are the primary consideration in the provision of SEPP 10 concurrences
- The financial viability test cannot be used as a basis for neglect such that low cost housing falls into such disrepair that it no longer remains structurally sound, and is then targeted for demolition
- The Affordable Housing Principles defined in Schedule 2 of SEPP 70 (Affordable Housing Revised Schemes, applying only in certain narrowly defined areas) become the basis for Affordable Housing provision in all Local Government areas.
- that Parramatta Council's affordable housing policy be included in the submission.

67 - Greater Argyle

That the State Government be requested to exempt councils within the Sydney Catchment Authority area from the provisions of the amendment No 3 State Environmental Planning Policy 58.

68 - Greater Taree

That the Association lobby the New South Wales Government seeking legislative change to allow councils to recover the costs of ongoing maintenance associated with asset protection zones that are provided on land managed by council on behalf of the community.

69 - Holroyd

That the Local Government Association strongly oppose the Draft Sex Services Premises Planning Guidelines, which are to be presented to Diane Beamer MP, Minister Assisting the Minister for Planning and Infrastructure, given that these Guidelines allow for brothels as exempt development in residential areas, and as such, no approval is needed from Councils.

That the state government be advised that local government will not be forced to follow guidelines produced by the Sex Services Premises Planning Panel as it is inappropriate for this panel to dictate planning controls to local communities.

70 - Bankstown

That the Local Government Association of NSW support the nation-wide phase out of the chemical Chlorpyrifos.

71 - Waverley

1. That the Local Government Association supports the initiative of the Sydney Coastal Councils Group (SCCG) to set up a geotechnical expert panel to develop a statewide geotechnical landslide hazard policy. Along with accompanying practice notes, this is intended to standardise local planning practices for geotechnical, landslide and associated issues including public access, private property visual amenity and native title.
2. That this initiative of the SCCG representing 15 coastal councils in NSW, is an effective and efficient approach to developing this policy which would be beyond the resources of any one council.
3. The Local Government Association urges the state and federal governments to support the SCCG application for funding through the National Disaster Mitigation Fund to develop the statewide geotechnical landslide hazard policy.

72 - Shoalhaven

The Local Government Association make representations to the Premier the Hon Bob Carr MP to adequately resource State Government authorities to ensure more timely response and input to matters referred by councils to state government authorities as instigated by State legislation or guidelines, and this matter be addressed in an MOU between the Local Government Association and the State government.

73 - Armidale Dumaresq

That the Local Government Association urge the Commonwealth and NSW State Governments to establish a national scheme and compensation fund to assist local government faced with costly remediation of contaminated public land sites within their boundaries.

74 - Woollahra

That the Local Government Association press the State Government to reactivate the proposal to deregulate the fees payable by applicants for development consent so that councils can at least recover the cost of processing applications from the applicants and not have the current shortfall funded by the community through rates.

75 - North Sydney

Lost

76 - Leichhardt

Lost

77 - Fairfield

That the Association request the State Government to amend the Local Government Act, 1993 and the Environmental Planning & Assessment Act, 1979 to allow for the notification of plans for proposed residential development to include, in addition to the plans depicting height and external configuration, plans of the proposed internal floor plan layout of the proposed development.

78 - Shellharbour

That the Local Government Association request the NSW State Government to introduce, through the provisions of a State Environmental Planning Policy, that

1. The recommendations of the Campbell Enquiry be implemented.
2. No expansion of Exempt and Complying Development take place until the problems presently being experienced by Local Government are addressed.
3. The Building Professionals Board be given the power to order rectification work where it is found that there has been a breach of the Environmental Planning and Assessment Act and BCA.
4. Mandatory Critical stage inspections must be done by the PCA.
5. Council have the ability to refuse to be the PCA where the original PCA was a Private Certifier.

79 - Burwood

Withdrawn

80 - Newcastle

1. That the New South Wales Local Government Association write to the Hon Craig Knowles, NSW Minister for Infrastructure, Planning and Natural Resources, to express its strong dissatisfaction about:

- a) his recent decision to not call for a Commission of Inquiry into the Lee Wharf Development Applications at Honeysuckle, Newcastle.

b). his lack of correspondence with Newcastle City Council about this matter even an acknowledgment of its request.

2. That the New South Wales Local Government Association support Newcastle City Council in its endeavours to have its planning controls, which were removed in 1997, returned.

3. That the Local Government Association request the state government to immediately repeal SEPP 74 that takes away planning approvals from Newcastle and Port Stephens Councils.

81 - Wyong

That the Associations lobby the State Government to implement a fast-tracking process for all approvals and procedures related to the implementation of drought contingency measures, for example, desalination plants, grey water recovery, stormwater recovery, and sewer water recovery.

82 - Strathfield

That:

- a) Local government believes that State and Federal Governments should provide tax concessions and other financial incentives for the development of renewable energy technologies, the installation of solar hot water systems and other energy efficient devices such as low energy light bulbs, insulation and passive solar design of buildings.
- b) That the State government should amend the recently introduced BASIX program to set higher standards and requirements, and object as to why local government has been overridden and will no longer be able to require more stringent requests on developers to encourage the use of sustainable energy.
- c) Local government supports the establishment of energy conservation development control plan.
- d) That state government should introduce policies, which require Energy Corporations to use solar lighting in the street lighting networks.

83 - North Sydney

That a common framework or template be established and implemented for State of the Environment Reporting, so that local, regional and statewide reports can be generated from a common information base.

84 - Penrith

That the Department of Local Government review the State of the Environment Reporting process, for the purpose of policy change to make the reporting process more efficient and capable of integration with both strategic and operational council management systems

85 - Byron

That the Local Government Association request the Minister to amend the Environmental Planning and Assessment Act to establish a realistic timeframe with a sliding scale for deemed refusal based on the complexity of the application and with provisions to reactivate the 'Stop the Clock' provisions where an applicant supplies inadequate responses to requests for further information/documentation

86 - Fairfield

That the Association requests the State Government to review the provisions of the Environmental Planning & Assessment Act, 1979 relating to "existing use rights" so that an existing non-conforming use cannot be changed to another non-conforming use without the consent of council and the applicant will have no right of appeal to the Land and Environment Court.

That the matter be referred to the Executive.

87 - North Sydney

That the State Government actively support the Green Building Program for commercial buildings with financial incentives for improved energy efficiency and water conservation.

88 - Campbelltown

That the Local Government Association request the State Government to change legislation to ensure that any extensions or renovations to any heritage building be subject to the control and development processes carried out by Council Development Control Officers and that the control of this process be banned for Private Certifiers.

89 - Canterbury

1. That the Local Government Association support the principle of councils playing a greater role with government agencies and community organisations in the provision of emergency accommodation for families in crisis and victims of domestic violence.
2. That the Local Government Association call on the NSW government to amend Section 94F of the Environmental Planning and Assessment Act 1979 to increase the ability of local councils to levy contributions from major developments for this purpose.

90 - Blacktown

That a national housing strategy be developed which brings the three spheres of government together, to co-operatively determine roles and responsibilities of each sphere of government and to ensure funding levels to match those responsibilities.

91 - Lane Cove

That representations be made to the Premier and the Department for Infrastructure, Planning and Natural Resources (DIPNR) requesting an increase in the amount of the fines applicable to illegal works, to allow Council to better regulate Building Activity to ensure public safety and the construction of structures in accordance with Local Planning regulations and be advised of the failure of the Land and Environment Court, in approving the majority of illegal building works against the determination of Councils.

92 - Pittwater

That the Local Government Association lobby the Minister for Local Government seeking modification of the Local Government Act to indemnify councils against liability claims from telecommunication and electricity carriers where a council has utilised the services of a nominated contractor engaged to identify the location of any underground infrastructure, and it is clearly demonstrated that the council has used due diligence prior to the carrying out of underground construction works.

93 - Penrith

That the Local Government Association acknowledge the state government's commitment to reduce the referrals required under the Integrated Development provisions but request that a specific and urgent timeframe be committed to for ongoing removal of the 2000 or more referrals that will still exist after the preliminary cull.

94 - Canterbury

That the Local Government Association support changes to legislation to enable councils to take quicker, more efficient and less expensive action in the Land and Environment Court to prevent builders from continuing to build:

- when the structure they are building is not in accordance with the development consent; or
- when they do not have a construction certificate.

95 - Manly & Hurstville

That the Associations request the Chief Judge of the Land & Environment Court of NSW, Justice Peter McLellan to review Court Practice Direction No17 relating to Class I - Merit Appeals, to provide that where an appeal is lodged on the basis of a deemed refusal, the Court will deem the application to be complete in all respects and is one for which a consent may be granted without modification the plans or Statement of Environmental Effects.

That the Association press for the court to define the extent of amendments that are acceptable before the proposal requires a new DA. This will put the onus on the applicant to consider all the issues before lodging a DA and ensure that full consultation is undertaken on all proposals.

- Allow council officers reasonable time to review the applicant's amendments
- Ensure the applicant meets the council's costs incurred by the introduction of new amendments.

96 - Pittwater

That the Local Government Association lobby the State Government to ensure that further cost shifting to councils does not occur as a result of the changed investment and land management priorities inherent in the State Government's Natural Resources Management Reform Program, in particular, as a result of the establishment of Catchment Management Authorities (CMAs).

97 - Shoalhaven

That representations be made to the State Government to:

- a) Improve co-ordination of various Natural Resource Management (NRM) grant funded programs through the Catchment Management Authorities (CMAs) so as to facilitate development of comprehensive and integrated NRM programs and component projects to achieve the Catchment Action Plans and Catchment Blueprints: and
- b) That the release of grant funded programs be better timed so as to facilitate the development of Council's budget during the annual management planning process.

98 - Strathfield

- a) That this Conference send a letter expressing concern about the de-stabilisation of Natural Resource Management in NSW be forwarded to the Premier and that Local Government be afforded better representation in decisions impacting Natural Resource Management in NSW with full Local Government input into the future proposals affecting Natural Resource Management frameworks.
- b) (b) That the State government produce a legislative biodiversity protection framework in conjunction with the Local Government and Shires Association that offers bushland protection to Sydney in line with the rest of NSW rather than just to bushland declared as "Endangered Ecological Communities" under the Threatened Species Conservation Act 1995.

99 - Pittwater

That the Minister for Planning allocate a proportion of the Plan First Levy to Councils for implementation of a consistent local government-wide 'e' planning program, as well as for the initial development of LEPs.

100 - Fairfield

That the Local Government Association of NSW endorse a proposal that all local Councils should become supporting partners with Clean Up Australia in its Say NO to Plastic Bags campaign. To show their commitment Local Councils should work together to develop strategies for providing alternatives to conventional plastic bags. These alternatives are to include enforced producer responsibility and investigation of biodegradable shopping bags. A united approach by Local

Government to this initiative has the capacity to deliver fundamental and practical benefits to all local communities.

101 - Blacktown

Covered

102 - Albury

That the Local Government Association:

1. endorse the state government's program to reduce reliance on plastic bags
2. lobby the state government to move to a total ban on plastic bags
3. undertake research on 100% biodegradable bags and nappies.

103 - Blacktown

That the State Government be requested to remove anomalies and errors from the QOC Act and supporting documentation promulgated by the Department of Infrastructure Planning and Natural Resources (DIPNR).

104 - Leichhardt

That this Conference write to the Premier of NSW, the Environment Minister Bob Debus and Planning and Infrastructure Minister Craig Knowles requesting their support for the Quarantine Station Preservation Trust Bill.

105 - Pittwater

That the Local Government Association develop local government's own guidelines for the provision of public place recycling according to a standard colour identification system.

106 - Holroyd

That the Local Government Conference request the State Government to introduce legislation that obliges real estate agents to withhold all or part of rental bonds to cover the costs associated with the removal of rubbish left on the footpath by departing tenants, that the agent or a council incurs.

107 - Byron

That the Local Government Association request the Minister to amend the Environmental Planning and Assessment Act to establish a criteria for defining Section 96 applications to clarify when a development is substantially the same.

108 - Auburn

Withdrawn

109 - Hurstville

That the issue of strata title be reviewed with a view to establishing a 'whole of life' strategy for the maintenance and replacement of the buildings.

110 - Lake Macquarie

That the Local Government Association seek the assurance of the Minister that the ownership of street lights will not be forced onto Local Government and that the matter be resolved as a matter of urgency.

111 - Parramatta

That the Local Government Association support and make an appropriate submission on the proposed draft regulation being prepared by the Department of Environment and Conservation (DEC)

scheduled for release and public comment in September 2004 proposing to introduce on going monitoring of underground fuel storage tanks and which will require owners of underground fuel storage tanks to develop a management plan for their fuel systems.

112 - Leichhardt

That the Conference write to the State Government indicating our support for legislation banning such installations within 300 metres of schools and childcare centres and requiring a DA for all installations of telecommunications facilities.

113 - Pittwater

That the Crown be required when appointing councils as Trustee or Reserve Manager of Crown Land to appoint councils to manage the Crown Land under the Plan of Management provisions in the Local Government Act and free from other conflicting requirements that may be imposed by the State bureaucrats from time to time.

114 - Blacktown

That the Annual Conference calls upon the NSW Government to immediately establish a cables commission to plan the implementation of underground electricity and communications cables. The cables commission should include representation from state government, local government, energy companies, communications companies and the community represented by Cables Downunder. The commission's charter would be to;

- establish diverse pilot programmes in NSW,
- elect the most appropriate technologies,
- develop regional implementation strategies, and
- develop realistic funding models to finance construction of underground electricity and communications networks.

115 - Burwood

1. That the NSW Government approves and commences the development of a State-Wide Program for Undergrounding of Powerlines within New South Wales, and ensures the program is holistically consistent with its Metropolitan Strategy's intent.
2. That the NSW Government promptly forms a Special Committee for Undergrounding of Powerlines with nominated representations from regional organisations of councils (ROCs: for example IMROC, SSROC), state agencies, peak industry groups, and urban and regional strategists.
3. That the NSW Government considers a 30 year financial plan to progressively fund this new initiative from all funding sources, including PPP.
4. That the NSW Government consults with local government authorities to formulate, prioritise and rank CBD areas (with economic and regional significance) for the purpose of undergrounding of powerlines.

116 - North Sydney

That the Local Government Association of NSW discuss the way local council, combined with the State Government, can facilitate the undergrounding of overhead power lines to bring Sydney into the 20th Century let alone the 21st Century.

117 - Penrith

That the Local Government Association lobby the NSW Government to review the fines attributed to the illegal dumping of Commercial Waste under the Protection of the Environment Operations Act with the intent of increasing them.

118 - Leichhardt

That the conference urge the NSW Minister for the Environment to introduce mandatory Extended Producer Responsibility (EPR) schemes for priority wastes as outlined in the Department of the Environment & Conservation's (DEC) Extended Producer Responsibility Priority Statement 2004 and urge the Federal Minister for the Environment to use state EPR schemes as the starting point for the rollout of national programs.

119 - North Sydney

That the Local Government Act and Regulations be amended to enable the Domestic Waste Charge to be used, in addition to the costs of domestic waste collection and disposal, for waste and litter minimisation programs and street cleaning in residential areas.

120 - Coffs Harbour

That the State Government be requested to amend legislation to separate Domestic Waste Management from the general purpose rate pensioner subsidy and provide a 100% subsidy for Domestic Waste charges. Further, that in respect of Domestic Waste, there be no requirement for councils to contribute an additional amount towards the rebate but that any additional amount be voluntary.

121 - Blacktown

That the Minister for the Environment be advised that the draft Waste Reduction and Resource Recovery in NSW Local Government Action Plan cannot be accepted by Local Government, as the Plan does not adequately address the issues of Extended Producer Responsibility, Container Deposit Legislation and Waste Levy Hypothecation.

122 - Wingecarribee

That in light of the NSW Government's failure to adequately respond to councils regarding the Protection of the Environment Operations Act (1997) Section 88 Levy and the governments unwillingness to honour their written commitment to hypothecate 55% of the Levy annually, that the Local Government Association President calls an urgent meeting of all affected Mayors, to seek a unanimous position to withhold further payments of the levy until the Government agrees to fully honour its commitment to hypothecate the levy.

123 - Wollondilly

Covered

124 - Camden

Covered

125 - Shoalhaven

Covered

126 - Wyong

That the Associations lobby the State Government to reconsider the reclassification of the Operational Material Rebate (Section 88 of the Environment Operations Act) and in addition, request the return of funding raised from all Section 88 levy monies to individual Local Government areas.

127 - Lake Macquarie

That the Section 88 Levy applicable to alternative waste processing technology plants apply to reject and residual materials from the plant as they are disposed of to landfill.

128 - Canada Bay

1. That the NSW Government should not allow incineration of toxic waste.
2. However, it is suggested that equivalent safe technology such as closed loop systems, like indirect thermal desorption, be utilised.

129 - Mosman

That the Local Government Association Executive examine opportunities to promote awareness among members of the serious environmental damage that can be caused by the waterborne mould *Phytophthora cinnamomi* and ways that councils can be encouraged to implement programs to prevent its spread.

130 - Campbelltown

That the Local Government Association request the State Government to extend the Environment Protection Authority "Cash Buy Back of Wood Fire Heaters" to metropolitan councils with the total funding increased accordingly.

131 - Penrith

Covered.

That the NSW Government investigate the environmental and public health consequences of the use of solid fuel wood heater discharges in the Sydney metropolitan area and, if justified, implement a program to restrict and replace these with a cleaner and more environmentally sound form of heating.

131.1 - Waverley & Hawkesbury (late motion 232 & 212)

That in recognition of the statewide shortage in professional areas including planning and environmental health staff resulting in problems for councils in effectively carrying out responsibilities under the EP&A, POEO Act, LG Act and other legislation:

1. that the Local Government Association Executive identifies current skill shortages, available training and trends in the supply of graduates
2. Completion of the study that the Local Government Association begins a series of consultations with Dept of Education and Training TAFE and universities as well as relevant professional associations plus unions to ensure that appropriate education and training is available to meet identified skill shortages.
3. Meet with the Minister for LG as a matter of urgency to seek his support to the project as a joint State/Local Government initiative

131.2 - Bankstown (was late 234)

That the Local Government Association supports the development of a metropolitan strategy to guide Sydney's future growth however in doing so:

That:

1. the Local Government Association expresses concern at the lack of ongoing consultation with local government
2. Support Sydney metro ROCs initiative to seek a genuine partnership between local and state government in the development of the metro strategy and the long term planning of Sydney
3. urge the State government to include in the metro strategy explicit commitment for
 - provision of public transport infrastructure as a basis for a sustainable public transport system
 - integration of sustainability principles in the planning process and the provision of public utilities including energy and water
 - recognition of subregions within Sydney and the value that ROCs and groupings of councils can provide in the planning process

- the inclusion of housing affordability as a specific direction in the metro strategy
 - biodiversity conservation corridors
4. urge the state government to develop a strategic planning framework for the whole state as well as for Sydney.

131.3 - Baulkham Hills Urgency (late 220)

That the NSW Minister for Infrastructure & Planning & Minister for Natural Resources, The Hon Craig Knowles MP, be requested to invite comments from Local Government in respect of the complete package of proposed planning reforms prior to further consideration.

131.4 - Kiama (late 226)

That the Local Government Association review and survey member councils' positions on the use of dwelling houses or attached or detached dwellings in residential areas for the purposes of self contained holiday or short term accommodation.

131.5 - Wollondilly (late 228)

That as a matter of urgency the Executive write to the Premier, Minister for Mining, Minister for Planning and the Minister for Environment expressing its opposition to long wall mining under the Nepean River and continued long wall mining under the Georges and Cataract Rivers.

131.6 - Sutherland (late 229)

That the Local Government Association call on the Australian Radiation Protection and Nuclear Safety Agency to reject the operating licence for the nuclear reactor at Lucas Heights in Sydney due to the operational licence condition that progress needs to be made on a waste solution for the reactor and the Federal government's failure to adequately address waste management issues.

Roads & Transport

132 - Byron

That the Association call for an investigation as to how the Department considers and approves gazettal of B-Doubles on highways throughout the State.

133 - Sutherland Shire

That, pursuant to clause 161 (3)(b)(d) of the Australian Road Rules, the NSW Local Government Association prepare a submission to the Roads and Traffic Authority recommending that marked vehicles driven by Community Nurses employed by Area Health Authorities be classified as emergency vehicles while on duty and be exempt from street parking restriction enforcement regulations.

134 - Hurstville

That the State Government be requested to consider establishing regional transport planning advisory bodies to better promote cooperation and planning for transport issues between neighbouring councils.

135 - Strathfield

That the State Government discontinue its consideration of the Enfield Marshalling Yards as an intermodal terminal within the Sydney Basin in preference for the site to be converted into an employment zone which is more compatible with the surrounding urban residential areas.

136 - Shellharbour

That the Local Government Association request the Roads and Traffic Authority (RTA) to amend their financial management procedures with a view to allocating Council funding grants within the first quarter of the financial year.

137 - Manly

That the Local Government Association advise the Federal Government to review existing and place tighter controls on helicopter activities other than emergency services, to reduce noise pollution and safety concerns.

138 - Parramatta

The Local Government Association make immediate representations to the Minister for Police to have the current traffic laws amended, so as to make it easier for Local Area Police Commanders to impound offending vehicles and prosecute owners/drivers who are caught by police doing wheelies, donuts and burnouts on public roads. Such amendments to take the onus away from LACs being responsible for the safekeeping of vehicles and their contents, and the need to tie up their two person car crews for up to a number of hours engaged in the following activities viz:-

1. Waiting for an available tow truck to tow the offending vehicle away to a prescribed impounding yard.
2. Accompanying the offending vehicle to the impounding yard which could be a good distance from the location where the offence has been committed.
3. Waiting in a line up with the offending vehicle at the impounding yard, prior to having the matter processed.
4. Carrying out an exhaustive stocktake of the contents of the vehicle during the impounding process.

(b) That the Association therefore calls upon the Minister to enact the following provisions in the amended legislation:-

1. In the event of a driver committing such an offence he/she is to present the vehicle to an authorised impounding yard. Failure to do so will result in another offence.
2. The driver/owner, not the police, be responsible for accompanying the offending vehicle to the impounding yard if they wish to ensure the safety of the contents of the vehicle during its transport to the yard.
3. The owner to be responsible for the contents of the car once it has reached the impounding yard.
4. The period of impoundment of the vehicle to be a minimum of one month duration; or more, depending on the owner's/driver's previous record in this regard.
5. The owner/driver to be responsible for all expense in the impounding process, prior to the vehicle being released.
6. LACs not having to be responsible for paying the impounding fees out of their budget in the event of them deciding to release the car due to the misdemeanour having been committed by a driver other than the owner of the vehicle. In such a case the owner would be responsible for the payment of such holding costs prior to the release of the vehicle.
7. The owner's/driver's licence of repeat offenders be temporarily revoked during the period of impoundment.

138.1 – Arising from Conference

In recognition of their outstanding contributions, this conference puts on record its appreciation for the contributions of its representatives on the Local Government Superannuation Board, and endorses a further term for Mr Peter Wood OAM, Cr Leo Kelly OAM and Cr Beverley Giegerl.

139 - North Sydney

That the State Government support a statewide shared pathway strategy aimed at

- a) greater protection measures for pedestrians to improve pedestrian safety

- b) a network of pedestrian routes which connect council areas, and connect residential, recreational, retail and commercial centres, and
- c) provides for improved funding of key pedestrian links.
- d) identifies and provides for the needs and comfort of public transport users with seats and shelters and access for the mobility impaired.

140 - Hornsby

That this Conference:

- i) note the action taken by the State Government to improve public transport in the Sydney area by an increased focus on road based bus transport, and that in many cases this action merely acknowledges the existing situation.
- ii) also note the associated response and increased costs that will be required by Local Government in the provision of supporting infrastructure such as bus shelters, concrete foot paving, bus lay over areas, and in dealing with the associated commuter parking, that may occur, together with increasing pressures for parking management in streets located along routes and at other nearby locations where commuters may park.
- iii) call upon the State Government to fully fund such infrastructure where it can be demonstrated that the need arises from this initiative.

141 - The Executive

1. That this Conference rejects the State Governments current adhoc and unsustainable approach to transport infrastructure planning and development and calls for a review into the planning and funding of transport infrastructure across the greater metropolitan region.

- That this matter be referred to the Executive to identify the appropriate mechanism for the review.

2. That the Local Government Association lobbies the Ministers for Transport and Planning for better public transport, including:

- A. comprehensive light rail infrastructure in urban environments;
- B. planning and implementation of light rail and bicycle corridors in all new motorway projects;
- C. progressive retrofitting of light rail into bus transit ways acknowledgement of the Roads Ministers verbal commitment to this conference on 25 October;
- D. proper planning and development of intermodal public transport interchanges in major metro centres;
- E. cross regional bus routes

3. That the decision on the M4 East Tunnel be postponed until there is a more strategic and sustainable blue print and long term strategy for public transport in Sydney

4. That this Conference urge the Minister for Transport to investigate as a matter of urgency a congestion levy for the Sydney CBD.

142 - Leichhardt

Covered

143 - Leichhardt

1. That this Conference lobbies the Ministers for Transport and Planning for better public transport and the light rail extension.
2. That this Conference urge the Minister for Transport to investigate as a matter of urgency a congestion levy for the Sydney CBD.

144 - Newcastle

1. The New South Wales Local Government Association calls on councils to set public transport utilisation targets for their respective Local Government Areas, bearing in mind that the targets need to be realistic and achievable.
2. That Councils develop and support infrastructure bicycle racks, bus shelters, pedestrian friendly connections to schools and shops as a support for public transport to encourage the increase of public transport.

145 - The Executive

1. That the Association calls on the State Government to provide a timeline for the restoration of weekend Sydney train services equal to, or better than, the timetable in place prior to the fifty percent cut from 24 July 2004
2. That the Association call upon the State Government to reinstate the Y Link service from Parramatta to Merrylands - Campbelltown to the levels operating prior to the recent cutback in the Cumberland Rail Link Services

146 - Holroyd

Covered

147 - Marrickville

Covered

148 - Byron

That the Local Government Association advise the State Government that it supports the following:

- 1.Regular commuter and tourist rail services on the Casino to Murwillumbah line.
- 2.Extension of the line from Murwillumbah to Coolangatta.
- 3.Maintenance of the rail infrastructure in working order until rail services are restored.

149 - The Executive

1. That the Association seek the State Government support of the essential need for rail infrastructure and services to rural and regional New South Wales, and that such services not be reduced, due to their social and economic lifeline to these communities
2. The Association calls on the NSW State Government to audit and publish a report on:
 - The quality of the NSW Country Line Network and the plans for maintenance of these lines;
 - Create an effective transport chain involving all interested parties eg, Farmers; Local Government and Local Communities; Rail, Road and Port Transport Workers; Grain Handlers; Shipping and Port Authorities
 - Lift the Country Line quality to 19 tonne axle load with a speed of 80 kph. This will cost some \$175 million over 5 years by making a 5 year rolling budget commitment to the maintenance of the NSW Grain Line Network.

150 - Maitland

Covered

151 - Wollondilly

Covered.

152 - Pittwater

That the Local Government Association lobby the State Government in support of the general use of uniform road surface markings to indicate parking regulations instead of regulatory signs.

153 - Shoalhaven

That the Local Government Association request the NSW Minister for Roads, The Hon Carl Scully, MP to increase the quantum of funds being made available to Local Government in parallel with the outcomes of the Classification of Roads Review currently being conducted by Councillor Mike Montgomery, Chair of the NSW Road Classification Review Panel and President of the Australian Local Government Association.

154 - Hornsby

That, following the decision of the Federal and State Governments to adopt the purple option as the preferred route for the link between the M2 and the F3, planning for and construction of this critical link be expedited.

155 - Hurstville

In response to the Sydney Futures Forum paper which was produced by the Department of Infrastructure, Planning and Natural Resources which proposes a 'Global Arc' stretching from the International Airport and Port Botany north through the Sydney CBD to Chatswood and Macquarie Park, that the Department be requested to designate a similar 'Global Arc' to flow south from the airport through southern Sydney. This will reinforce the importance of regional centres in metropolitan Sydney's future growth and also show that the southern side of the airport/seaport node has the same, and in some cases, better positional advantages as those areas to its north.

156 - Leichhardt & Marrickville

That this Conference opposes any further expansion of Sydney Airport as outlined under the Sydney Airport Master Plan and stresses the need for an alternative location for a second Sydney Airport outside the Sydney Basin consistent with existing Local Government Association aviation policy.

157 - Newcastle

That the Local Government Association call on the Federal Government to recognise that a consistent and complimentary approach to public transport, needs to be applied through all three spheres of government (Federal, State/territory and Local) if councils are to ultimately achieve their chosen and desirable public transport utilisation objectives.

157.1 - Sutherland Shire (late217)

That local government strongly oppose the proposed expansion of Port Botany which will take the existing capacity of Port Botany 600,000 containers per year to 3.2M containers by 2020, resulting in severe traffic impacts and placing additional environmental pressures on Botany Bay.

157.2 - Gunnedah (late215)

That this conference calls on the Minister for Roads, the Hon Carl Scully MP to enter into an extensive public consultation process in relation to road safety issues, in particular releasing the current discussion paper on drivers under the age of 21.

Further that the Minister focus on all drivers rather than singling out a single age bracket.

157.3 Auburn (late221)

That this conference makes representations to the Minister for Roads, the RTA, and request that consideration be given to the incorporation of flashing lights onto existing 40km/hr school zone, signage and that these flashing lights only operate on the days and times when school zone restrictions become enforceable.

157.4 - Lismore (late222)

Given that the Federal Government sold our public asset to the Sydney Airport corporation Ltd, this conference calls on the Federal Government to introduce appropriate legislation to guarantee fair and reasonable access to the major airports for regional airlines fair and reasonable access includes airport parking positions, terminal gates allocation, lounge and office facilities and maintenance hangars.

157.5 - From Conference (Urgency late 243)

That the Local Government Association support an improvement of our regional rail services including the retention of the Armidale railway service, the retention and/or reinstatement of the previous timetables for the Southern Highlands, Hunter, Greater West, North Coast and South Coast services. And as a matter of urgency urge the state government to immediately consider the replacement of the XPT fleet. Further, the Local Government Association notes the suggestions of Associate Professor Ian Gray, for ways forward including full triple bottom line accounting and other economic, social, political and engineering issues outlined in his report "A Future for Regional Passenger Trains in NSW, October 2004".

Structure & Management

158 - Byron

That the Association support an amendment to the Companion Animals Act to ensure the management of cats be the same as that for dogs, with restrictions to prohibit wandering cats for the protection of native fauna.

158.1- The Executive

That this Conference:

1. That the Local Government Association of NSW condemn the actions of James Hardie Industries in the strongest possible terms for its attempts to avoid funding the legitimate claims of asbestos victims.

Until such time as James Hardie Industries convinces the Local Government Association that it has met its obligations to current asbestos victims, and has provided for future asbestos victims, the Association's policy be:

- a) All existing contractors working on local government projects not purchase or use James Hardie products.
 - b) New contractors not use any James Hardie products on local government projects.
 - c) NSW Councils not purchase any new James Hardie products, except where an existing Council contract requires that.
 - d) The Association obtain legal advice on behalf of member councils wishing to implement the above policy.
 - e) The Association write to James Hardie Industries informing them of its decision to boycott their products and the reason for the boycott.
2. This conference endorses the establishment of a working party of the Association with representation from elected representatives, the Asbestos Diseases Foundation of Australia, the Asbestos Removalists Contractors Association, the Demolition Contractors Association, the Labor Council of NSW and the Construction Forestry Mining Energy Union to develop a comprehensive policy to better regulate contractors and assist in education of the contractors and home renovators involved in demolition, renovation and refurbishment involving asbestos.
 3. That the resolution be referred to the National General Assembly of Local Government.

159 - Marrickville

Covered

160 - Randwick

Covered

161 - Newcastle

Covered

162 - Canada Bay

Covered

163 - Blue Mountains

Covered

164 - Gosford

Covered

165 - Waverley

That the Local Government Association identifies suitable recent model hybrid cars for use in council fleets and works with State and Federal governments to achieve bulk purchasing or tax relief incentives for councils to purchase such cars.

166 - Gunnedah

- a. That the Local Government Association of NSW in acknowledgement of the considerable community, health and environmental benefits that the introduction of a sustainable biofuels industry will have to this Nation, and as leaders of the community, encourage all councils in NSW to adopt the usage of biofuels within their plant fleet.
- b. That the Local Government Association make representations to the Federal Minister concerned that the tax rebate which applies to biodiesel fuels be extended to include all plant and vehicles used by local government.

167 - Shoalhaven

1.
 - a) That "State Procurement" (State Contracts Control Board) include in their supply tender for unleaded fuel, a provision for the supply of an "unleaded fuel with 10% ethanol mix"
 - b) That where Councils call tenders for the supply of unleaded fuel, they include a provision for the supply of an "unleaded fuel with 10% ethanol mix".
2. That the NSW Government mandate that, where practical, all State Government and Local Government vehicles use an unleaded fuel with a 10% ethanol mix, and that biodiesel, low sulphur diesel and LNG also be considered.

168 - Manly

That the Local Government Association contact all NSW councils to request they each consider adopting the Charter of Political Reform as detailed below.

Part A

- 1) All council candidates will be asked to make a public commitment not to accept any direct or indirect donations from property developers. Immediately on announcing their candidature, all those aspiring to public office will be asked to sign a statutory declaration committing themselves to such a principle.
- 2) That the true original source of all donations over \$500 or equivalent in services or 10 hours in kind, labour, material or services help to a councillor candidate, group or party be fully

disclosed. Before accepting any donation, the candidate, group or party should inform the donor that this information will be publicly disclosed.

- 3) That all candidates be asked to voluntarily fully declare their business and property interests before the election. These declarations to be made available for public scrutiny within 7 days of formal candidature.
- 4) A councillor candidate, group or party should ensure all auction fundraising donations over \$500 or equivalent in services or 10 hours in kind, labour, material or services are fully disclosed before the election as to who paid how much for what.
- 5) A councillor candidate, group or party should immediately declare during the campaign any incoming donations over \$500 or equivalent in services or 10 hours in kind. The Council will administer an up-to-date public declaration that includes financial donations received that are over \$500 or equivalent in services or 10 hours in kind, labour, material or services and promises of any forthcoming donations. These declarations are to be put on public display at each polling booth.
- 6) Councillor candidates be asked to declare current or previous membership of any political parties within the last 4 years.
- 7) Political 'trust funds' or the like, set up to benefit any candidates, sitting councillors, groups or political parties should be fully disclosed within 1 week of its creation. That the original source of all donations over \$500 or equivalent in services or 10 hours in kind, labour, material or services be disclosed.
- 8) Councillors should act with due diligence to ensure they are aware of any donations over \$500 or equivalent in services or 10 hours in kind, labour, material or services made to their respective parties at state or federal level. A councillor whose party receives a donation at state or federal level should not vote on a matter that delivers a financial advantage to that donor. The councillor should treat the matter as a conflict of interest, just as if the donation was made directly to that councillor.
- 9) This Charter is to be administered by the Council. All the information on donations, party membership and financial interests of candidates should be collated on statutory declarations, and signed by those candidates. On election day an information board should be erected at each booth with the public able to view all the statutory declarations.

Part B

(i) That Council commit to establishing or utilizing an Independent Expert Panel to oversee any 'controversial' development applications.

Which DA's should go to the Independent Panel?

- Any DA in which the applicant, organization or company has been a donor to any councillor or their political party for a financial donation of \$500, an equivalent in kind offer of services, materials or labour.
- Any DA in which any councillor or family member has a direct financial interest.
- Any DA that 3 or more councillors see as needing to be processed independently for whatever reason.

(ii) That the definition of Property Developer in the above Charter is: any person or body that carries out or has as one of its principal objectives the carrying out of development within the meaning of the Environmental Planning and Assessment Act 1979 "more or less" on a continuous or repetitive basis with a view to making a profit (whether or not a profit is made).

That the conference supports the intent of the charter and that the matter be referred to the Executive to examine problems in the legislation regarding transparency of donations made to candidates for election.

169 - Hunters Hill

That Section 377 (1) General power of the council to delegate is amended to allow councils to delegate to Regional Organisation of Councils (ROC's), strategic alliances or groupings of Councils, the power and authority to allow them to accept tenders on behalf of the member councils.

This can be simply achieved by the following amendment to the clause:

377(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:

The acceptance of tenders which are required under this Act to be invited by the council, INSERT WORDS except where by individual resolution, a Council may delegate to a Regional Organisation of Councils (ROC's), strategic alliances or grouping of Councils, the authority to undertake and accept or reject tenders on behalf of member Councils.

Such an action may not take place unless the majority of members have passed such a motion and is binding only to those councils which elect to be part of the tender process.

170 - Willoughby

Lost

171 - Greater Taree

That the Association lobby the NSW government seeking legislative change to allow access for councillors to insurance in the event of accident, disability or death occasioned in the course of undertaking council business.

172 - Shoalhaven

Lost

173 - Wagga Wagga

Lost

174 - Albury

1. That the Local Government Association of NSW request the State Government to review the current Local Government electoral system with particular reference to:

- i. Method of election – to delete the “above the line” method of voting that encourages candidates to form groups and return to the traditional method of nominations and voting.
- ii. Counting and administration of the election – in particular, the current requirements for some ballot papers to be forwarded to Sydney and the final count to be performed in Sydney leads to delays and adds cost to the process. The regulations should be changed to enable all counting to be finalised within the Council boundary.

2. That counting and administration of the election be considered as part of the current Local Government Association review of the conduct of the local government elections.

175 - Kempsey

That the Local Government Association executive be requested to investigate a method to obviate a by-election in the three years following a general election.

176 - Blacktown

In view of the increasing level of aggression being experienced by Local Government Law Enforcement Officers when carrying out their duties, the Minister for Local Government be requested to amend legislation to protect the privacy of Local Government Law Enforcement Officers.

177 - Hornsby

That in instances where the Associations propose joint actions among a number of councils on a specific issue, the Executive formulate a method of ensuring an equitable method to ensure, at a minimum, clarification of roles, responsibilities, financial commitments and a communications/decision making protocol.

178 - withdrawn

179 - Campbelltown

That the Local Government Association agree to lobby the State Government to require workcover and the NSW police service to provide an effective regulatory mechanism to control the illegal use of fireworks.

180 - Shoalhaven

That the Local Government Association call on the NSW Premier to conduct a "Legislative Impact on Local Government Inquiry" with the terms of reference –

1. To identify all State legislation which impacts on or affects Local Government in any way.
2. To identify the cost and resource implications of the legislation on Local Government and the general public.
3. To assess the environmental, social, economic and other benefits which accrue to the general public from the legislation.
4. To analyse and report on the cost/benefit of the legislation.
5. To research and recommend the means to simplify and reduce legislation impacts on Local Government.

That this matter be referred to the Executive.

181 - Wagga Wagga

That the Local Government Association:

1. believes that the provisions of the NSW Building and Construction Industry Security of Payment Act 1999 regarding adjudication of disputes over payment are inequitable;
2. calls for the Act to be amended to ensure that dispute management is made equitable for all parties concerned. This amendment should recognise that normal contract provisions between the parties shall be applied in the first instance, and that where the Act must be invoked, the appointment of an adjudicator and case management arrangements be agreed between the parties; and
3. that the adjudicator must be properly qualified and accredited.

182 - Greater Argyle

Covered

183 - Wollondilly

That the Association seek amendment to the Local Government Act to require the Mayor (and Deputy) and elected Councillors to give an oath to their office. The oath to be publicly given at the first meeting of the new council following an election or at any change of office.

184 - Pittwater

That the Local Government Association lobby the Premier seeking to expedite the preparation of an amended model Privacy Management Plan and Code of Practice for Local Government that properly addresses conflicts between the NSW Privacy Act, the Local Government Act and Freedom of Information legislation.

That the matter be referred to the Executive.

185 - Blacktown

That the Conference call upon the NSW Minister for Local Government to amend relevant legislation to enable councils to have the power to prohibit a breed of restricted dogs from being kept within its Local Government Area.

186 - Leichhardt

1. That this Conference affirms its opposition to forced amalgamations or boundary changes.
2. That the Minister be requested to consider introducing appropriate incentives for councils to genuinely explore joint/shared service reforms initiated by the council.

186.1 - Pittwater (late 223)

That the Local Government Association call on the minister for local government the Hon Tony Kelly MP to seek reversal of his decision to extend the term of the administrator of Warringah Council until September 2008. and that the election of councillors take place prior to the conclusion of the original term in 2005.

Water Management

187 - Shoalhaven

1. That the Department of Local Government expedite the amendment to the Local Government Act (Section 191A) to legalise council's power of entry onto private property for the purpose of maintaining, operating and constructing water and sewerage services.
2. That the Executive of the Local Government Association pursue the matter as a matter of urgency.

188 - The Executive

1. 1. That the Local Government Association condemn the lack of consultation by the State Government prior to the announcement of major changes to the Country Towns Water Supply and Sewerage Program.
2. That the State Government make the following changes to the revised Country Towns Water Supply and Sewerage Program:
 - Restoration of the previous rates of subsidy for all unserved towns and other "backlog" works.
 - Expand the "Small Towns Scheme" so that villages that have significant on-site problems can be included in this list.
 - Removing the \$10 M/a turnover as a subsidy criterion.
 - The total amount of subsidy available to LWU's be increased to take into account the effects of inflation.
 - Funding be made available for scoping activities of new projects.
 - Direct representation of Local Government on the independent Prioritisation Committee to be established for ranking projects
 - The establishment of open and objective methodologies for calculating the actual rates of subsidy to be provided under the Program.
 - Re-inclusion for subsidy of works necessary to meet the requirements of State Government regulatory agencies.
 - Provision of financial assistance to revise Water Supply and Sewerage Strategic Business plans that have been rendered obsolete by changes to the program.
 - Continuation of shared funding for cost overruns incurred during the construction phase of a project.

- Cost increases in projects due to latent conditions be funded.
3. That the state government inform councils of the amount of money left to be allocated for town and country water schemes.
 4. That the state government release a timetable for all projects on the water and sewerage priority list that has been submitted to Department Energy Utilities and Sustainability.

189 - Wingecarribee

Covered

190 - Shoalhaven

Covered

191 - Greater Argyle

Covered

192 - Lismore

Covered

193 - Holroyd

That the State Government's Floodplain Management Program be changed to an on-going program rather than existing annual program with appropriate time available to complete grant projects, as the time required for project consultation and approvals leaves insufficient time to implement flood mitigation projects in a single financial year.

194 - Eurobodalla

The Country Towns Water Supply and Sewerage Program be extended to provide subsidy for Country Water Supply Utilities for works required to upgrade infrastructure to harvest water during high flow periods from rivers where environmental flows are to be preserved under water sharing plans.

194.1 - Sutherland Shire (late219)

That the Local Government Association make urgent representations to the State Government to increase funds available through the Demand Management Fund to ensure adequate finance is available to Council to meet the considerable costs associated with implementing water efficiency improvements.

194.2 - Newcastle (late 227)

That the Local Government Association review its position and policy on the fluoridation of public water supplies with respect to public health and environmental impact and the review be undertaken in consultation with local councils.

Motions referred to Executive

It was moved that all Category 2 motions be referred to the Executive, for implementation as noted in the conference business paper and including late motions 233, 235, 236,237.

Late Motions

Late motions submitted at Conference and adopted, are recorded at the end of the relevant subject section of the proceedings.

232 & 212	131.1
234	131.2
238,238.1,239,240,241,242	40.1,40.2, 40.3, 40.4, 40.5,40.6
215	157.2
217	157.1
218	Covered by 58
219	194.1
220	131.3
221	157.3
222	157.4
223	186.1
226	131.4
227	194.2
228	131.5
229	131.6
243	157.5