
Local Government NSW Annual Conference (Submission of Motions)

Responsible Officer: Group Manager People and Performance (Helen McNeil)

Recommendation

That Council support the proposed motions outlined in this report and their submission to Local Government NSW for consideration at its annual conference being held on 23-25 October 2022.

Background

Local Government NSW ('LGNSW') accepts motions each year from Member Organisations (made up of NSW councils and county councils) to be considered at its annual conference.

Where motions are endorsed, they become resolutions and amend the LGNSW Policy Platform. The LGNSW Policy Platform is the document on which the organisation lobbies the NSW State Government for changes to legislation and policy as it impacts the local government sector in NSW.

County councils, such as Rous, are often overlooked by State Government in legislative and policy decision-making. The three (3) motions outlined below are proposed to be submitted with a view to keeping these issues current and relevant during the decision-making process at the State Government level going forward.

Proposed Motions

Motion 1

That Local Government NSW lobby the NSW Government to activate s399 of the *Local Government Act 1993* which provides for the creation of a Regulation making provision for:

- (i) the purposes for which contributions may be made
- (ii) the circumstances in which contributions may be required
- (iii) the assessment of contributions
- (iv) the payment of contributions
- (v) the recovery of contributions.

Rationale:

- A. To improve consistency across the state in the making and purpose of contributions of Constituent Councils to County Councils and
- B. To improve eligibility for and access to favourable lending conditions when accessing T-Corp borrowing facility by providing certainty and security relating to financial contributions of Constituent Councils to County Councils.

Section 399 of the Local Government Act 1993 (NSW) states that the Regulations "may" address these matters, however, to date, s399 has not been activated. Given the scale and value of regional projects undertaken by County Councils, access to T-Corp funding by County Councils represents a value for money propositions to County Councils and by extension, the constituent Councils who benefit from the regional infrastructure.

Motion 2

That Local Government NSW:

- (i) Acknowledges the devastating impact of floods throughout NSW in 2022.
- (ii) Urges the NSW Government to increase its financial assistance provided to Local Government through its Floodplain Management Program to maintain existing flood mitigation infrastructure to account for Consumer Price Index (CPI) increases.
- (iii) Calls on the NSW Government to provide a long-term strategy for the state's flood mitigation infrastructure, previously constructed by the NSW Public Works Department that Local Councils have since inherited. The strategy must clearly define the purpose of the infrastructure, long term solutions for ongoing maintenance, including funding, and how the challenges of climate change and the infrastructure's environmental impact will be addressed.

Motion 3

That Local Government NSW:

- (i) Acknowledges the complexity involved with seeking approval from the NSW Government to maintain publicly funded flood mitigation infrastructure on coastal floodplains.
- (ii) Requests that the NSW Government amends the State Environmental Planning Policy for (Infrastructure) 2007 so that flood mitigation authorities do not have to seek regulatory approval from NSW Crown Lands or NSW Department of Primary Industries to undertake routine maintenance of its infrastructure. This acknowledges that any environmental impact can be addressed through the authority's responsibilities under the Environmental Planning and Assessment Act 1979.
- (iii) Lobbies the NSW Government to amend its Protection of the Environment Operations (Waste) Regulation 2014 Waste Management Guidelines so that public authorities can treat acid sulfate soils off-site and that treated acid sulfate soils can be reused both on and off site. This acknowledges that any environmental impact can be addressed through the authority's responsibilities under the Environmental Planning and Assessment Act 1979.

Governance

- **Integrated Planning and Reporting**

Ref	Strategic objectives	Strategies to get there	Measure	Target
2.3.6	Active collaboration across the region informs policy responses and innovative approaches to priority issues.	Lead or participate in efforts to drive collaboration and innovation to respond to current and emerging issues with key players, including: <ul style="list-style-type: none">- Dept of Health- Dept of Planning and Environment- Dept of Regional NSW- relevant industry bodies.	Number of instances where current and emerging priority issues are escalated to key players to help inform policy.	Upward trend (at least one occasion per annum).

LGNSW is a relevant industry body.

Finance

The motion addresses Council's future financial security through the certainty of financial contributions, so Council can continue to provide vital services to the community. There is no financial cost associated with submitting the motion.

Legal

The lack of consideration given to county council's by State Government in making legislative and policy decisions has caused several instances where the current legislative or policy position has hampered Rous' ability to pursue its functions with confidence and authority.

Consultation

A request for legislative amendment in relation to financial contributions by constituent councils to county councils (refer to Motion 1 above) was made to the Office of Local Government ('OLG') in 2021 (see Attachment 1), however the OLG declined to take the matter further (see Attachment 2).

Conclusion

Should the three (3) motions outlined above be endorsed and provided to the Minister for Local Government, with the support of LGNSW, it is envisaged that the outcome will be a better outcome in decision making which affects county councils.

Attachments:

1. Letter to the Office of Local Government dated 11 February 2021; and
2. Letter in reply from the Office of Local Government dated 10 March 2021.