



G W Y D I R
SHIRE COUNCIL

ORDINARY MEETING

AGENDA

Thursday 24 March 2022

NOTICE OF MEETING

Notice is hereby given that an **Ordinary Meeting of Gwydir Shire Council** will be held in the Warialda Office Council Chambers on **Thursday 24 March 2022**, commencing at **9:00 am** to discuss the items listed in the Agenda.

Your attendance is respectfully requested.

Yours faithfully,

Max Eastcott
General Manager

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1 OFFICIAL OPENING AND WELCOME - MAYOR

2 APOLOGIES

An apology has previously been received from Cr T Galvin

Also, the General Manager is an apology

3 CONFIRMATION OF THE MINUTES

RECOMMENDATION

THAT the Minutes of the Ordinary Meeting held on Thursday 24th February 2022 as circulated be taken as read and CONFIRMED.

4 PRESENTATION

The Council's Auditor, Paul Cornall, will be making a Teams' presentation regarding the 2020/21 Financial Statements at 9 am.

Oliver Johnston from [Recoupa](#) will be making a presentation about the services offered by his firm regarding debt collection, at 9.30 am.

Representatives from the Australian Rail Track Corporation (ARTC Inland Rail) and TRans4m Rail will be present to provide information concerning the Narrabri to North Star component of the project at 10 am. The speakers will be:

Naomi Tonscheck, Stakeholder Engagement Manager, Central Package.

Isabella Hall, Stakeholder Engagement Lead, Central Package

Mel Elms, Stakeholder Engagement Lead, N2NS (Narrabri to North Star) Phase 1, Trans4m Rail, N2NS Phase 1 Contractor

Azaria Dobson will be making a Teams' presentation regarding the Namoi Regional Jobs Precinct at 10.30 am.

5 CALL FOR THE DECLARATIONS OF INTERESTS, GIFTS RECEIVED AND CONFLICTS OF INTEREST

6 OFFICERS' REPORTS

6.1 Adoption of Committee Recommendations

File Reference: NA

Delivery Program

Goal: 5. Organisational management

Outcome: 5.1 Corporate management
Strategy: 5.1.3 Administrative and support functions
Author: General Manager

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/SUMMARY RECOMMENDATION

This report recommends the adoption of the following recommendations from both the Public Infrastructure and Community Services & Planning Committees:

Public Infrastructure Committee

January 2022 Monthly Report

THAT the Monthly Technical Services Report for January 2022 be received.

FURTHER that Resilience NSW be advised that the Council strongly objects to the arbitrary declaration covering the allowable gravel coverage.

Community Services & Planning Committee (Confidential)

Organisation & Community Development Report

THAT the report be received.

Councillors' Reports

THAT the Councillors' Reports relating to the Bingara Pool and Caravan Park; Mullumbimby/Bangalow Flood Appeal; and; various Business Plans are noted.

Community Services & Planning Committee

Executive Services Report

THAT the report be received.

Organisation & Community Development Report

THAT the report be received.

Councillors' Reports

THAT the Councillors' Reports relating to the Bingara Lookout Telstra mobile phone tower batteries; Bombelli Street issues; Warialda Rail Shade Cover; Shop closure in Warialda; Football Season kick-off; TV

reception in Bingara; and The future of the TLC Interpretive Centre are noted.

TABLED ITEMS Nil

OFFICER RECOMMENDATION

THAT the Committees' recommendations be adopted.

ATTACHMENTS

Nil

6.2 Audit Risk Improvement Committee Meeting Resolutions

File Reference: NA

Delivery Program

Goal: 5. Organisational management

Outcome: 5.1 Corporate management

Strategy: 5.1.1 Financial Management and accountability systems

Author: General Manager

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/SUMMARY RECOMMENDATION

This report is to note the resolutions of the Audit Risk and Improvement Committee.

TABLED ITEMS Nil

BACKGROUND

This Committee held its meeting on Monday 14th March 2022 and resolved the following:

Risk and Safety Presentation

THAT the Risk and Safety Presentation Report be received.

FURTHER that the progress against the actions proposed be reported back to future meetings of this Committee.

Delivery of Naroo Aged Care Facility Review

THAT the Delivery of Naroo Aged Care Facility Review Report is received.

Interim Management Letter

THAT the Auditor's Interim Management Letter be received.

Final Management Letter

THAT the Auditor's Final Management Letter be received.

FURTHER that the improvement against the Interim Management Letter is noted.

2021 Annual Financial Statements

THAT the 2021 Annual Financial Statements' Report is received.

FURTHER that the overall review of the benchmarks relating to the Fit for the Future Process be attached to the Meeting Minutes when circulated (attached to this report).

FURTHER that the Committee commence a service review process with the following Business Plans being considered at the June Committee Meeting:

Bingara Pool/Caravan Park; and;

The Living Classroom.

FURTHER that the Committee review its proposed audit program at its June Meeting.

COMMENT

Both the independent members of the ARIC (Audit and Risk Improvement Committee) are due for reappointment, and this is recommended on the same terms and conditions.

Also, the future meeting schedule for this Committee was determined at the meeting:

Tuesday 7th June 2022;

Tuesday 6th September 2022; and;

Tuesday 6th December 2022.

OFFICER RECOMMENDATION

THAT the resolutions of the Audit and Risk Improvement Committee are noted.

FURTHER that Mr Jack O'Hara and Mr Roney Smith are reappointed for a term of two years as the independent members of the Gwydir Shire's Audit and Risk Improvement Committee.

ATTACHMENTS

1. Improvement Plan [6.2.1 - 1 page]

Benchmarks	Gwydir Shire's Fit for the Future Improvement Plan adopted 25th June 2015																										
	2014/15		2015/16		2016/17		2017/18		Achieved 2017/18	Rolling Average 2015/18 Three Years		2018/19		Achieved 2017/18	Rolling Average 2016/19 Three Years		2019/20		Achieved 2019/20	Rolling Average 2017/20 Three Years		Achieved 2017/20	2020/21		Rolling Average 2018/21 Three Years		Achieved 2018/21
	Target	Result	Target	Result	Target	Result	Target	Result		Target	Result	Target	Result		Target	Result	Target	Result		Target	Result		Target	Result	Target	Result	
Benchmarks in original Fit for the Future Assessment																											
Operating Performance Ratio (Greater than or equal to break-even average over 3 years)	0.4380	0.2589	0.0250	0.0257	0.0470	0.1652	0.0100	0.0011	Yes	>0	0.0640	0.012	0.042	No but explainable	>0	0.069	0.026	0.041	No but explainable	>0	0.00053	Yes	>0	0.037	>0	0.012	No
Own Source Revenue Ratio (Greater than 60% average over 3 years)	0.5600	0.5732	0.5800	0.5562	0.8400	0.5718	0.7600	0.5869	No but explainable	>0.6	0.5716	0.760	0.548	No but explainable	>0.60	0.569	0.760	0.552	No but explainable	>0.60	0.56207	No but explainable	>0.60	0.590	>0.60	0.563	No but explainable
Building and Infrastructure Asset Renewal Ratio (Greater than 100% average over 3 years)	0.2500	0.2130	0.8400	1.0248	1.3400	1.1348	0.9400	0.6005	No but explainable	>1	0.9200	0.930	1.259	Yes	>1	0.998	0.790	1.676	Yes	>1	1.17843	Yes	>1	0.516	>1	1.150	Yes
Infrastructure Backlog Ratio (Less than 2%)	0.0900	0.0500	0.0850	0.0305	0.0800	0.0311	0.0775	0.0134	Yes	<0.02	0.0250	0.075	0.015	Yes	<0.020	0.020	0.073	0.660	No but explainable	<0.020	0.2295	No but explainable	<0.02	0.530	<0.020	0.402	No but explainable
Asset Maintenance Ratio (Greater than 100% average over 3 years)	1.0100	0.9300	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	Yes	1.0000	1.0000	1.000	1.000	Yes	>1	1.000	1.000	1.000	Yes	>1	1	Yes	>1	1.000	>1	1.000	Yes
Debt Service Ratio (Greater than 0% and less than or equal to 20% average over 3 years)	0.0500	0.0335	0.0600	0.0421	0.0600	0.0681	0.0500	0.0419	Yes	0.0567	0.0507	0.040	0.042	Yes	>0 <0.20	0.051	0.050	0.041	Yes	>0 <0.20	0.0416	Yes	>0 <0.20	0.047	>0 <0.20	0.043	Yes
Real Operating Expenditure per capita A decrease in Real Operating Expenditure per capita over time	5.89	4.10	5.24	5.10	5.01	3.80	5.19	3.70	Yes	NA	NA	5.24	3.96	Slight per capita increase but explainable	No longer measured												
Additional Benchmarks in Financial Statements																											
	2014/15		2015/16		2016/17		2017/18		Achieved 2017/18	2018/19		Achieved 2017/18	2019/20		Achieved 2019/20	2020/21		Achieved 2020/21									
	Target	Result	Target	Result	Target	Result	Target	Result		Target	Result		Target	Result		Target	Result										
Unrestricted current ratio Current assets less all external restrictions/ Current liabilities less specific purpose liabilities	>1.5	2.220	>1.5	2.110	>1.5	2.000	>1.5	1.720	Yes	>1.5	1.560	Yes	>1.5	1.010	No	>1.5	0.89	No									
Rates, annual charges, interest and extra charges outstanding percentage	<0.1	0.062	<0.1	0.053	<0.1	0.041	<0.1	0.040	Yes	<0.1	0.037	Yes	<0.1	0.040	Yes	<0.1	0.0473	Yes									
Cash expense cover ratio	>3	4.600	>3	4.480	>3	2.900	>3	1.900	No but explainable	>3	1.970	No but explainable	>3	1.920	No but explainable	>3	3.46	Yes									

6.3 Executive Services Report

File Reference:	NA
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Delivery Program

Goal:	5. Organisational management
Outcome:	5.1 Corporate management
Strategy:	5.1.5 Provision of responsible internal governance
Author:	General Manager

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/SUMMARY RECOMMENDATION

The monthly Town Utilities report provides information on the activities carried out during the month of February 2022 in the Parks and Gardens, Water and Sewer and Plant and Workshops departments of Council.

TABLED ITEMS Nil

COMMENT

Water and Sewer

Water and Sewerage operators attended 27 service line repairs, 3 water main breaks, installed 10 new water meters and repaired 4 sewer blockages during February 2022.

Warialda Saleyard bore had the submersible pump replaced during February. A new pump was ordered for stock to minimise delays if other issues occur.

Other work was undertaken at the Bingara Showground, Bingara Caravan Park, The Living Classroom, Gwydir Oval, Warialda Caravan Park, Warialda truckwash, Bingara Showground, Nicholson Oval and Captain Cook Park Warialda, Cunningham, CWA and Bicentennial Parks Bingara, Gwydir River boat ramp, Bingara and Warialda cemeteries and Whitfeld Place, Bingara.

Major work was undertaken in Long Street Warialda at the intersection with Gragin Road. The water main that was located directly under the intersection has now been made redundant and mains have been extended on Long Street footpath across Market Street. Due to the main being within the vicinity of the power pole, Essential Energy was required to be onsite for the duration of the job. Affected properties were advised that they would be without water on the day the main was commissioned.



Water main replacement with Essential Energy present Long St, Warialda

Warialda Truckwash

The truck wash facility was used by 96 trucks during February with an average wash down time of 62 minutes and total water used was 653KL. The estimated income for February is \$6,011 less monitoring fees.

The larger pressure pumps were installed in January and the truck wash usage has increased substantially during February 2022.

Grant Projects

Federal Drought Program

Upper Horton water supply – a new bore has been drilled and cased; a solar bore pump needs to be installed to complete the project.

All Abilities Park – landscaping of the western end of the park including, terracing and sandstone retaining wall has been delayed due to the availability of contractor.

Cunningham Park – the pool fencing and concrete pathway construction has been completed.

State Drought Program

Cunningham Park toilet block has been completed and is now open to the public.

Cunningham Park BBQ and shelter – completed.

Covid Stimulus Funding

Batterham's Lookout - the top lookout entrance signage has been replaced. The carpark barrier has been replaced. Walkway to the rear viewing platform has been reconstructed. The guardrail installation on the roadside is now scheduled to be installed during March/April.

Picnic shelters and tables have been installed at Nicholson Oval, Captain Cook Park Warialda, and Gwydir River Foreshore.

Showground Stimulus funding

Part of Phase 2 Showground Stimulus funding included the erection of a new amenities block on the eastern side of Bingara Showground. After many delays, this project is now completed with the recent laying of turf adding the final touch.



The new amenities block with freshly laid turf

The installation of four LED light towers at the Bingara Showground was completed during November. The power cables were installed during January and the lights have now been connected to power and tested. The installers attended the site in February with a cherry picker truck to finalise focusing of the lights.



Lights at Bingara Showground



Aerial view showing the lights at Bingara Showground

The refurbishment of the Bingara Showground grandstand is also part of the Phase 2 Showground Stimulus funding however completion of this work has been delayed by the Contractor.

Parks and Gardens

All parks and gardens continue to be maintained. Council undertakes weekly inspections of playgrounds and cleaning of handrails and touch areas. Mowing, weed control, irrigation, hedging, and trimming were routinely undertaken during February. Council continues to mark and maintain the fields for the community groups using Council’s ovals. Myall Creek and the Glacial area are inspected on a weekly basis.

Workshops and Depots – February

Workshop Services and Jobs	Dec	Jan	Feb
Total number of services in Workshops	16	15	26
Total number of jobs in Workshops	112	73	142

Repairs and maintenance undertaken in the workshops during February included:

- P1713 – jet patcher – repairs to brakes, broom and heater hose, blower motor
- P1724 – tractor – repairs to alternator, hydraulic hose on power steering
- P1690 – grader – replace blade slide and repair end caps
- P1468 – dingo – repairs to chain on trencher
- P1866 – tractor – new PTO solenoid

Plant replacement

The mulching head for new 13t excavator was delivered in February. This unit can be utilised as a mower on roadside banks and also has the capability of mulching trees up to 150mm in diameter.

A new support vehicle was purchased to replace the support vehicle for Warialda Jetpatcher.



P1986 – new mulching head for Caterpillar excavator



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P2023 – support vehicle for Warialda Jetpatcher

OFFICER RECOMMENDATION

THAT the monthly Town Utilities report for February be received

ATTACHMENTS

Nil

6.4 LGNSW Special Conference Feb-March 2022

File Reference: NA

Delivery Program

Goal: 4. Proactive regional and local leadership

Outcome: 4.2 We work together to achieve our goals

Strategy: 4.2.2 Work in partnership to plan for the future

Author: General Manager

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/SUMMARY RECOMMENDATION

This report is for notation

TABLED ITEMS Nil

BACKGROUND

The Mayor, Deputy Mayor, Crs. Galvin and D Coulton together with the General Manager attended the LGNSW (Local Government New South Wales) Special Conference in Sydney from Sunday 28th February to Wednesday 2nd March 2022.

The record of decisions made at the Conference are attached for the information of Councillors.

Any debate that touched on politically sensitive issues highlighted the divide in the voting patterns of delegates between the City and Country, which was disappointing but highlighted why it is so important to attend these types of conferences to ensure the rural point of view is heard.

COMMENT

All the Council's representatives thank the Council for the opportunity to attend.

OFFICER RECOMMENDATION

THAT the report and record of the Conference's decisions are noted.

ATTACHMENTS

1. LGNSW 2022 Special Conference- Records of Decisions [6.4.1 - 36 pages]

LGNSW Special Conference 2022

Record of Decisions

F1 LGNSW Board

Standing Orders

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

Decision: Carried

F2 LGNSW Board

LGNSW (Federal) rules

1. That Local Government NSW, being a registered organisation under the *Fair Work (Registered Organisations) Act 2009* (Cth) (the “**Association**”) amend the Association’s rules as follows:
 - (i) At rule 32 of the LGNSW rules, delete the words “four (4) months” and insert in lieu thereof the words “three (3) months”.
 - (ii) Delete rule 33(b) of the LGNSW rules and insert in lieu thereof the following:
 - “(b) Subject to these rules, where a Special Conference is called for under sub-rule (a) of this Rule the Chief Executive shall convene a Special Conference for a date not later than four (4) weeks after the receipt of the notice calling for the Conference.
 - (c) If a Special Conference is called for by resolution of the Board, the Board may specify the date(s) on which the Special Conference is to occur, and the Chief Executive shall convene a Special Conference on the date(s) so specified. For the avoidance of doubt, the date of a Special Conference called for by resolution of the Board may be more than four (4) weeks after receipt of the notice calling for the Conference.”
 - (iii) Delete rule 43(d) of the LGNSW rules and insert in lieu thereof the following:
 - “(d) ceases to be eligible under the Rules to hold office as a Director, provided that a Director continues as a Director during the intervening period between the day of a local government general election and the declaration of the results of that election if they are a candidate in the election.”
 - (iv) Delete rule 50 of the LGNSW rules and insert in lieu thereof the following:
 - “50. Subject to rule 43(d), a person ceases to be eligible to hold office as a Director and vacates his or her position as a Director (by operation of this Rule and without any further action) upon him or her ceasing to be a Councillor of an Ordinary member, or otherwise ceasing under these Rules to be eligible to be a Director.”
2. That in furtherance of 1 above, the Association make application to the Fair Work Commission to amend the Association’s rules.

Decision: Carried

Association business

1 LGNSW Board

Standing Orders

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

Decision: Carried

2 LGNSW Board

LGNSW Fundamental Principles

That the Local Government NSW Fundamental Principles, as set out below, be endorsed:

Economic

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

Infrastructure

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

Planning

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

Environment

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

Social and Community

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

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

Governance

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

Accountability

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

Decision: Carried (with amendments)

Financial Sustainability

3 LGNSW Board

2022-23 rate peg determination

That Local Government NSW:

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

Decision: Carried (with amendment)

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

Bellingen Shire Council

Review of the IPART determination

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

Newcastle City Council

Remove crippling rate pegging in NSW

That Local Government NSW:

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

Murray River Council

2022/2023 FY rates cap

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

Bega Valley Shire Council

FY2023 rate peg

That Local Government NSW:

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

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

4 Blacktown City Council **Inadequacy of IPART rate growth formula for growth councils**

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

Decision: Carried

5 Forbes Shire Council **Financial Assistance Grants**

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

Decision: Carried

Note from Board

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

6 Kyogle Council **Review of federal Financial Assistance Grants**

That Local Government NSW:

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

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

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

Note from Board

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

Hay Shire Council

Financial Assistant Grant general purpose minimum per capita allocation

That Local Government NSW:

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

7 Moree Plains Shire Council

Federal Financial Assistance Grants

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

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

Note from Board

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

8 Hay Shire Council

Financial Assistance Grants fairer criteria and distribution

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

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

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

Note from Board

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

9 Hay Shire Council **Cost shifting onto local government**

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

Decision: Carried (with amendment)

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

Bayside Council **Cost burden on local government**

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

Armidale Regional Council **Cost shifting**

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

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

10 Bland Shire Council **Emergency Services Levy**

That Local Government NSW calls on the NSW Government to:

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

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

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

Decision: Carried

Infrastructure contributions

11 Northern Sydney Regional Organisation of Councils Infrastructure contribution reform

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

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

Decision: Carried (with amendment)

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

Penrith City Council NSW infrastructure reform

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

Shoalhaven City Council Infrastructure contributions reforms

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

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

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

Greater Hume Shire Council

Infrastructure contributions Bill

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

Liverpool City Council

Proposed changes to developer levies

That Local Government NSW lobbies the NSW Government by:

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

Cumberland Council

NSW Government infrastructure contributions reforms

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

Willoughby City Council

Infrastructure contributions reforms – No council worse off

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

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

Local government recognition

12 Leeton Shire Council

Local government representation on National Cabinet

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

Decision: Carried

13 City of Canterbury-Bankstown

Local Government Federal Ministry

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

Decision: Carried

14 Murrumbidgee Council **Local government remuneration**

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

Decision: Carried (with amendment)

15 Lachlan Shire Council **Amendment to the NSW Local Government Act 1993 clause 248**

That Local Government NSW advocates to the NSW Government to change the NSW *Local Government Act 1993*, Chapter 9, Part 2, Division 5, clause 248 as follows;
 “248 Fixing and payment of annual fees for councillors

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

Decision: Carried (with amendment – removal of pt5)

Elections and democracy

16 Georges River Council **Ban on developers & real estate agents serving as councillors**

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

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

Decision:

Procedural motion – put the motion
Carried

Carried (with amendment)

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

Strathfield Council

Support policy to prohibit property developers from being NSW councillors

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

City of Sydney

Property developers holding office as councillors

That Local Government NSW:

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

Newcastle City Council

Property developers and real estate agents in local government

That Local Government NSW:

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

Blue Mountains City Council

Prohibition of Election of Property Developers Bill 2021

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

City of Parramatta Council

Ban property developers from running for council

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

17 Northern Beaches Council

Conduct of the 2021 local government election

That Local Government NSW:

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

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

Decision: Carried (with amendment)

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

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

Decision:

Amendment:

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

Amendment becomes the motion

Lost

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

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

Decision: Carried

20 Murrumbidgee Council **Councillor term**

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

The proposed change be as follows:

233 For what period is a councillor elected?

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

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

Decision:

Amendment

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

The proposed change be as follows:

233 For what period is a Mayor elected?

(2) The office of Mayor—

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

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

Amendment lost

Lost

21 Lachlan Shire Council

Disqualification from nominating for next general election

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

Decision: Lost

22 Newcastle City Council

Re-establishing fixed 4-year terms for local government

That Local Government NSW:

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

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

Decision: Withdrawn

23 Northern Beaches Council

Council referendums

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

Decision: Lost

Industrial relations and employment

24 Mosman Council

Senior officer contracts

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

Decision: Lost

Housing

25 Ballina Shire Council

Royal Commission into affordable housing

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

Decision: Carried

26 Byron Shire Council

Stamp duty recycling for housing investment

That Local Government NSW lobbies the NSW Government to:

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

Decision: Carried

27 Shoalhaven City Council **Impact of holiday homes**

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

Decision: Carried

28 Shoalhaven City Council **Social and affordable housing models**

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

Decision: Carried

29 Wollongong City Council **Affordable housing: caravan parks and manufactured home estates**

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

Decision: Carried

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

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

Decision: Carried

Planning

31 Blacktown City Council **NSW Planning Portal**

That Local Government NSW calls on the NSW Government to:

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

Decision: Carried

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

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

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

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

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

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

Decision: Carried

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

Liverpool City Council

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

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

33 Blacktown City Council

Concept development application (DA) fees

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

Decision: Carried

34 Blacktown City Council

**Misuse of State Significant
Development provisions**

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

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

Decision: Carried

35 Hawkesbury City Council

**Refining post-disaster planning
approval processes**

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

Decision: Carried

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

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

Decision: Carried

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

That Local Government NSW lobbies the NSW Government to:

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

Decision: Carried (with amendment)

38 Murray River Council **Building surveyors**

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

Decision: Carried

Social and community

39 Byron Shire Council **First Nations Voice to Council**

That Local Government NSW:

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

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

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

Decision: Carried (with amendment)

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

Decision: Carried

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

Decision: Carried

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

Decision: Carried

43 Leeton Shire Council	Work rights for bridging visa holders and amnesty for undocumented workers
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That Local Government NSW calls on the Australian Government to improve the welfare of migrants and resolve the labour shortages affecting businesses and industries in rural and regional Australia by:

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

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

Decision: Carried

44 Blue Mountains City Council **Gender Equity**

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

Decision: Carried

45 Penrith City Council **Support for and coordination of food insecurity issues**

That Local Government NSW advocates to the NSW Government for:

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

Decision: Carried

46 Warren Shire Council **Emergency planning for natural disasters like mice plagues**

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

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

Decision: Carried

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

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

Decision: Carried

48 Albury City Council **Mental health crisis**

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

Decision: Carried (with amendment)

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

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

Decision: Carried

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

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

Decision: Carried

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

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

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

Decision: Carried

Environment

52 Liverpool City Council

Climate Action Plan

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

Decision:

Amendment

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

Amendment Lost

Procedural motion – put the motion

Carried

Carried

53 Dubbo Regional Council

Gas decarbonisation roadmap

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

Decision: Carried

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

Lismore City Council

Energy roadmap

That Local Government NSW lobbies the NSW Government:

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

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

54 Blacktown City Council **Enabling funding mechanisms to respond to climate change**

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

Decision: Carried

55 Ballina Shire Council **Investments - Fossil fuel divestment**

That Local Government NSW:

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

Decision:

Amendment

That Local Government NSW:

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

Amendment Lost

Procedural motion – put the motion

Carried

Carried (with amendment)

56 Lake Macquarie City Council **Supporting the circular economy**

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

Decision: Carried

57 Forbes Shire Council **Rebates for use of crumbed rubber bitumen in roads**

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

Decision: Carried

58 Leeton Shire Council **Weeds management plan for Fleabane (*Conyza spp.*)**

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

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

Decision: Carried

59 Bland Shire Council **Biosecurity (noxious weeds)**

That Local Government NSW:

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

Decision: Carried

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

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

Decision: Carried

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

That Local Government NSW calls on the NSW Government:

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

Decision: Carried

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

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

Decision: Carried

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

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

Decision: Carried

64 Blacktown City Council

Enhancing illegal dumping enforcement powers

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

Decision: Carried

65 Murray River Council

Animal Welfare Code of Practice

That Local Government NSW advocates the NSW Government to strengthen:

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

Decision: Carried

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

Orange City Council

Mass dog breeding facilities

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

66 Blacktown City Council

Exemption from un-desexed animal ownership fee

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

Decision: Carried

67 Wollongong City Council

Request to phase out shark nets

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

Decision: Carried

Governance and accountability

68 Lismore City Council

Code of Conduct investigator reports review by independent panel

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

Decision:

Amendment

That Local Government NSW

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

Amendment Lost

Lost

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

Shoalhaven City Council

Code of Conduct procedures

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

69 Lachlan Shire Council

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

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

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

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

...

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

(i) prior leave of the council, or

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

Decision: Carried

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

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

Decision: Carried

71 Hay Shire Council **Rural Council Model**

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

Decision: Carried

72 Snowy Valleys Council **Boundaries Commission**

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

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

Decision: Carried

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

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

Decision: Carried

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

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

Decision: Carried

75 Lane Cove Council	Performance of forced and non-forced amalgamated councils
<p>That Local Government NSW commission a report that:</p> <ol style="list-style-type: none"> 1. compares the qualitative and non-qualitative projections outlined in the 2015/16 KPMG options report of each amalgamated council to the actual data from their financial statements and other available data sources; 2. compares the KPIs included in the financial statements of both amalgamated and non-amalgamated NSW councils to compare the overall performance of NSW councils against the KPIs established by the State Government; 3. analyses the rating revenues of all NSW councils since 2015; and 4. based on the results, provides recommendations on the suitability of the ongoing use of the KPIs established by the State Government. 	

Decision: Carried

Infrastructure, transport, land and utilities

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

Decision: Carried

77 Bland Shire Council	Regional headquarter locations
<p>That Local Government NSW advocates to the NSW Government, specifically the Premier and Minister for Police and Emergency Services to give greater consideration to geographic centrality with the determination of locations when establishing regional service and administration centres for State departments and services.</p>	

Decision: Carried

78 City of Canterbury-Bankstown	Funding increase for road safety initiatives
<p>That Local Government NSW calls on the NSW Government to support funding equivalent to 0.1% of the rate revenue of an individual council to allow councils to adequately develop tailored public education programs on road safety.</p>	

Decision: Carried

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

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

Decision: Carried

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

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

Decision: Lost

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

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

Decision: Carried

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

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

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

Decision: Carried

83 Yass Valley Council	Street lighting - Advocacy program
That Local Government NSW commit to leading and resourcing an advocacy program on street lighting across the State.	

Decision: Carried

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

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

Snowy Valleys Council	Streetlighting review
That Local Government NSW calls on the NSW Government to facilitate a comprehensive review of the structural, regulatory and funding frameworks for streetlighting including:	
<ol style="list-style-type: none"> 1. A review of the pricing framework; 2. A review of the current code for the provision of public lighting; 3. Support for progressing smart innovation and new technologies; 4. Quality assurance for billing to eliminate discrepancies and errors; 5. A review of the current ownership and maintenance arrangements for street lighting across the State, noting the complexities of the existing arrangements and the cost and resource liabilities currently imposed on local councils associated with the management of these assets. 	

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

Decision: Carried

85 Cessnock City Council	Review of the NSW Stormwater Management Services Charge
That Local Government NSW calls upon the NSW State Government to review the pricing and associated guidelines for the NSW Stormwater Management Services Charge.	

Decision: Carried

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

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

Decision: Carried

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

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

Decision:

Procedural motion – put the motion
Carried

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

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

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

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

Decision: Carried

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

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

Decision: Carried

Mining and agriculture

90 Lake Macquarie City Council **Adaptive reuse of mining lands**

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

Decision:

Amendment

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

Amendment Lost

Carried (with amendment)

91 Wollondilly Shire Council **Mine subsidence**

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

Decision: Carried

92 Leeton Shire Council **Principle-based commitment to national agricultural strategy**

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

Decision: Carried

93 Tweed Shire Council **Regenerative landscape management**

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

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

Decision: Carried

94 Leeton Shire Council **Protect food security/sustainability of regional irrigation communities**

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

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

Decision: Carried

LATE MOTIONS

L1 Cootamundra-Gundagai Regional Council **Deputy mayor remuneration**

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

Decision: Carried

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

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

Decision: Carried

L3 Randwick City Council Waste to energy incinerators

That Local Government NSW:

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

Decision: Carried

6.5 Correspondence - R Tremain

File Reference: S5672

Delivery Program

Goal: 1. A healthy and cohesive community

Outcome: 1.1 We have healthy and inviting spaces and places

Strategy: 1.1.3 Provide the right places, spaces and activities

Author: General Manager

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/SUMMARY RECOMMENDATION

This report is for reception and the action outlined.

TABLED ITEMS Nil

BACKGROUND

The attached communication has been received from Mr R Tremain who purports to represent a cross section of concerned citizens and ratepayers.

Where the requests can be dealt with, such as streetlights not working or tree lopping required, they will be referred to the appropriate officer for attention.

One that I found particularly interesting was that *the main Council HQ should be in Warialda (Middle of the Council area)*. I found this of interest because the then Cr Tremain was one of the Yallaroi representatives on the joint Yallaroi/Bingara Shires working group that resolved to have the current split of activities between the two offices – Administration in Bingara and Technical services in Warialda.

Many of the other 'issues' raised occurred while Mr Tremain was a Gwydir Shire Councillor and the Mayor for one term. Is he criticising himself?

Each signatory who can be identified will be advised in writing addressing the matters raised as a 'cc' to the letter forwarded to Mr Tremain, which unfortunately may prove to be embarrassing for the Hon/Sec.

OFFICER RECOMMENDATION

THAT the correspondence is noted and that a reply be forwarded to all the signatories who can be identified from the correspondence.

ATTACHMENTS

1. Complaint - Robert Tremain [6.5.1 - 1 page]



22nd. February 2022

Gwydir Shire Council

Gwydir Shire Warialda Area.

Re – Urgent Suggestions & Alterations to the above Locality & signed by a cross section of Concerned Citizens & Ratepayers.

All responses please contact Mr. R. Tremain Hon/Sec : djc.351@bigpond.com.

- 1.Total.Lack of Communication between 'Bingara Office' & ' Warialda - North Star' area.
2. Proposed closing down of Warialda Council Office & transfer All Gwydir District matters to Bingara New proposed Office Building. This would create a number of problems including : Inconvenience to the Gwydir ratepayer, especially the Elderly, reduced hours compared to previous years & also Parking.
3. Fire safety in the Warialda District which in the years passed Yallaroi Shire undertook fire breaks yearly : Wida – Ottley Crk.
4. Main Council H.Q. Should be in Warialda (Middle of Council Area).
5. Closing of Village Halls re : Policy of Administering all Halls from “Bingara Roxy” has destroyed public Interest.
6. There are a number of Intersections that require Tree lopping for Safety e.g. corner Apollo Avenue & Queen Streets.
7. Weed control : several years ago Wild Cotton was widely scattered now the 'Wild Cotton' weed covers large areas creating Stock Route & Privately owned Grazing land useless.
8. Street lights adjacent to Warialda Caravan Park - Inoperative !
9. Annual Yallaroi Road Sealing stopped i.e., each year a road leading into town had several kls. sealed, by 2021 most roads should have been sealed ?
10. The repairs to Warialda town streets do not last & are being consistently repaired due to inappropriate mix & compaction.

11. Considering deterioration of the Old Yallaroi Council. Reverting back should be considered.

Handwritten signatures and names:
 Bryan G... Mikeath, John Cusk, ... Baker, Les B... Betty B... L. Campbell, ... E. Roberts, ... Moodie, ... Barbera B... L. Campbell, ... J. ...

6.6 Standard Instrument LEP Agritourism Amendment Order

File Reference: NA

Delivery Program

Goal: 2. Building the business base

Outcome: 2.1 Our economy is growing and supported

Strategy: 2.2.1 Increase the range of opportunities to work locally

Author: Environmental And Sustainability

STAFF DISCLOSURE OF INTEREST Nil

IN BRIEF/SUMMARY RECOMMENDATION

This report recommends that the Council support the proposed inclusion of the Farm Stay Accommodation and Farm Gate Premises clauses into the Council's LEP.

BACKGROUND

The NSW Government is proposing amendments to the NSW planning system to streamline the approval of agritourism development and small-scale agricultural development. An 'Explanation of Intended Effect' (EIE), prepared by the DPE, detailing the proposed changes is provided in Attachment 2.

The DPE is proposing the introduction of clauses 5.23 and 5.24 into the Standard Instrument Local Environmental Plan as well as new land use terms.

It is expected that these changes will provide farmers with the opportunity for additional income sources and provide for sustainable tourism as outlined in the New England Northwest Regional Plan.

Inclusion of the clauses in each Council's Local Environmental Plan (LEP) is voluntary and the Department is seeking Council's advice as to if it wishes to pursue the inclusion of clause 5.23 and 5.24 within the Gwydir LEP 2013.

Insertion of the clauses within the Gwydir LEP 2013 is supported and is consistent with the Gwydir Community Strategic Plan and Local Strategic Planning Statement.

Councils are also invited to identify land use zones to permit the new land use terms for 'Agritourism,' 'Farm Experience' and 'Farm Gate Premises' in their LEP's.

COMMENT

This report recommends that Council advises the NSW Department of Planning and Environment (DPE) to include clause 5.23 - Farm Stay Accommodation and clause 5.24 – Farm Gate Premises in the Gwydir Local Environmental Plan 2013 and to permit with consent 'Agritourism', 'Farm Experience' and 'Farm Gate Premises' in the zones that currently have 'Agriculture' as a permissible land use.

Currently, the RU5 Village and R5 Large Lot Residential zones under the Gwydir LEP 2013 permit ‘Extensive agriculture’ without consent and prohibits all other types and sub classes of ‘Agriculture’. It is recommended that these new sub-classes of ‘agriculture’ (being Agritourism, Farm Experiences and Farm Gate premises) should not be added as permitted with consent or permitted without consent but will be included in the prohibit section for both the RU5 Village and R5 Large Lot Residential zones under the Gwydir LEP 2013.

Following the exhibition of the EIE in March-April 2021, the draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 (LEP Order) was prepared by the DPE. The LEP Order will amend the Standard Instrument LEP. This is the first stage of rolling out the proposals in the EIE.

A copy of the draft optional clauses is provided in Attachment 1. Councils can nominate to adopt the optional clauses and/or specify the land use zones to permit the new land uses in their LEPs.

It is recommended that Council adopts the optional clauses as the changes will provide farmers with potentially additional income sources. The clauses will also enable them to better recover from natural disasters, the economic impacts of the COVID-19 pandemic and provide opportunities for sustainable tourism.

The development standards in the optional clauses and comments regarding Council’s recommendations are provided in the table below:

Type of Development	Standard in EIE	Amended Standard after public consultation	Council Comments
Farm stay accommodation building – maximum guests	3 times the number of bedrooms in clause 5.4(5) or another number nominated by council	3 times the number of bedrooms in clause 5.4(5) or 20 guests	This will provide a maximum cap on guests to ensure that farm stays are small scale. Councils can reduce the number of guests for a development through a condition of development consent.
Farm stay accommodation building – maximum Gross Floor Area (GFA) for a building	75sqm or a number that council specifies (that is not more than 75sqm)	A number that council nominates which is greater than 60sqm	It is recommended that the maximum GFA is 100sqm.
Farm stay accommodation – GFA exclusion for dwellings	As above	The maximum GFA will not apply to a change of use of an existing dwelling.	This will allow an existing dwelling house which is larger than 100sqm to be converted into farm stay accommodation.
Farm stay accommodation maximum number of moveable dwellings	-	A number council nominates which is no more than 6	It is recommended that no more than 6 moveable dwellings are to be used for the accommodation of guests in order to be consistent with clause 5.4 of the Gwydir LEP 2013.
Farm stay	Modify clause 2.6 to	Farm stay	This clause is intended to

accommodation - dwelling entitlement	prevent the creation of a dwelling entitlement in relation to farm stay accommodation	accommodation will be required to be on: <ol style="list-style-type: none"> 1. the same lot as an existing lawful dwelling house, or 2. on a lot for which a minimum size is shown for a dwelling house on the council's Lot Size Map and the size of which is not less than the minimum size shown. 	prevent the fragmentation of agricultural land.
Farm gate premises – maximum gross floor area	200sqm or the number council specifies in its LEP	A number council nominates which is no greater than 200sqm	It is recommended that the maximum GFA of 200sqm is adopted.
Farm gate premises - maximum number of guests	50 guests or the number council specifies in its LEP	A number council nominates which is no greater than 50 guests	It is recommended that the maximum number of 50 guests is adopted.

Council can also specify the land use zones to permit the new land uses of 'Agritourism', 'Farm Experience' and 'Farm Gate Premises' in their LEP's and provide justification for their nominations. Comments regarding Council's recommendations for the new land uses are provided in the table below:

Agritourism:

Zone	Permit or Prohibit	Comments
RU1 Primary Production	Permit with consent	It is recommended to permit 'Agritourism' with consent in this zone as 'Agriculture' is currently a permissible use in the RU1 zone.
R5 Large Lot Residential	Prohibited	It is recommended to prohibit 'Agritourism' with consent in this zone as 'Agriculture' is currently a prohibited use in the R5 zone.
RU5 Village	Prohibited	It is recommended to prohibit 'Agritourism' with consent in this zone as 'Agriculture' is currently a prohibited use in the RU5 zone.

Farm Experience:

Zone	Permit or Prohibit	Comments
RU1 Primary Production	Permit with consent	It is recommended to permit 'Farm Experience' with consent in this zone as 'Agriculture' is currently a permissible use in the RU1 zone.
R5 Large Lot Residential	Prohibited	It is recommended to prohibit 'Farm Experience' with consent in this zone as 'Agriculture' is currently a prohibited use in the R5 zone.

RU5 Village	Prohibited	It is recommended to prohibit 'Farm Experience' with consent in this zone as 'Agriculture' is currently a prohibited use in the RU5 zone.
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Farm Gate Premises:

Zone	Permit or Prohibit	Comments
RU1 Primary Production	Permit with consent	It is recommended to permit 'Farm Gate Premises' with consent in this zone as 'Agriculture' is currently a permissible use in the RU1 zone.
R5 Large Lot Residential	Prohibited	It is recommended to prohibit 'Farm Gate Premises' with consent in this zone as 'Agriculture' is currently a prohibited use in the R5 zone.
RU5 Village	Prohibited	It is recommended to prohibit 'Farm Gate Premises' with consent in this zone as 'Agriculture' is currently a prohibited use in the RU5 zone.

OFFICER RECOMMENDATION

THAT the Council advise the Department of Planning and Environment to incorporate the proposed Farm Stay Accommodation and Farm Gate Premise Clauses (Clauses 5.23 and 5.24), as detailed in Attachment 1, into the Gwydir Local Environmental Plan 2013, and to permit 'Agritourism', 'Farm Experience' and 'Farm Gate Premises' in the zones that currently have 'Agriculture' as a permissible land use.

ATTACHMENTS

Attachment 1 DRAFT Standard Instrument LEP Amendment Agritourism Order 2021
Attachment 2 Explanation of Intended Effect

draft



Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

.....

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Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]

**Standard Instrument (Local Environmental Plans) Amendment
(Agritourism) Order 2021**

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Amendment of Standard Instrument (Local Environmental Plans) Order 2006

Land Use Table

Insert in appropriate order in Direction 5—

Agritourism;
Farm experience premises;
Farm gate premises;

 draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
 Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

[1] Clause 5.4 Controls relating to miscellaneous permissible uses [compulsory]

Omit “not less than 8” from clause 5.4(8). Insert instead “not less than 9”.

[2] Clause 5.18 Intensive livestock agriculture [compulsory if intensive livestock agriculture permitted with consent]

Omit clause 5.18(4)(b)(v). Insert instead—

- (v) for a poultry farm used for breeding poultry—within 5,000 metres of another poultry farm, or
- (vi) for a poultry farm not used for breeding poultry—
 - (A) within 5,000 metres of a poultry farm used for breeding poultry, or
 - (B) within 1,000 metres of a poultry farm not used for breeding poultry, or
- (vii) for a pig farm—within 3,000 metres of another pig farm.

[3] Clauses 5.23 and 5.24

Insert after clause 5.22—

5.23 Farm stay accommodation [optional]

- (1) The objectives of this clause are—
 - (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for a primary production business, and
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
 - (c) [set out other objectives of the clause]
- (2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied that—
 - (a) the maximum number of guests accommodated in bedrooms at any 1 time will not be more than the greater of—
 - (i) 3 times the number of bedrooms permitted under clause 5.4(5), or
 - (ii) 20 guests, and
 - (b) the gross floor area of a building used to accommodate guests will not be more than [insert number no less than 60] square metres, and
 - (c) the maximum number of guests accommodated in moveable dwellings on the landholding will not be more than [insert number no more than 20] at any 1 time, and
 - (d) the maximum number of moveable dwellings used for the accommodation of guests will not be more than [insert number no more than 6], and
 - (e) all buildings or moveable dwellings used to accommodate guests will be—
 - (i) on the same lot as an existing lawful dwelling house, or

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Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
 Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (ii) on a lot—
 - (A) for which a minimum size is shown for a dwelling house on the Lot Size Map, and
 - (B) the size of which is not less than the minimum size shown.
- (3) Subclause (2)(b) does not apply if the development is the change of use of an existing dwelling to farm stay accommodation.
- (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have significant adverse impact on the following on or near the land—
 - (i) the visual amenity, heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the proposed development, and
 - (e) the compatibility of the development with nearby land uses.

5.24 Farm gate premises [optional]

- (1) The objectives of this clause are—
 - (a) to allow for small scale tourism and related commercial uses on land used for primary production without adversely impacting the principal use of the land for primary production, and
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
 - (c) *[set out other objectives of the clause]*
- (2) Development consent must not be granted to development for the purposes of farm gate premises on a landholding unless the consent authority is satisfied that—
 - (a) the gross floor area of a building used for farm gate premises will not be more than *[insert number no more than 200]* square metres, and
 - (b) the maximum number of persons that will be permitted on the landholding at any 1 time for the purposes of the farm gate premises will not be more *[insert number not more than 50]* persons.
- (3) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—

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Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
 Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (i) residential accommodation,
- (ii) primary production operations,
- (iii) other land uses, and
- (b) whether the development will have significant adverse impact on the following on or near the land—
 - (i) the visual amenity, heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
- (c) whether the development is on bush fire prone land or flood prone land, and
- (d) the suitability of the land for the proposed development, and
- (e) the compatibility of the development with nearby land uses.

[4] Dictionary

Insert after the definition of *agriculture*, paragraph (d)—

- (e) agritourism.

[5] Dictionary

Omit the definition of *farm stay accommodation*.

Insert in alphabetical order—

agritourism means the following—

- (a) farm gate premises,
- (b) farm experience premises.

Note— Agritourism is a type of *agriculture*—see the definition of the term in this Dictionary.

farm stay accommodation means a building or place—

- (a) on a farm —
 - (i) that is a primary production business, or
 - (ii) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
- (b) used to provide temporary accommodation to paying guests of the farm including in buildings or moveable dwellings.

Note— Farm stay accommodation is a type of *tourist and visitor accommodation*—see the definition of the term in this Dictionary.

farm experience premises means a building or place—

- (a) on a farm that is—
 - (i) a primary production business, or
 - (ii) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
- (b) that is ancillary to the farm, and
- (c) that is used to provide visitors to the farm with small scale and low impact tourist or recreational services on a commercial basis including the following—
 - (i) horse riding,

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Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
 Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (ii) farm tours,
- (iii) functions or conferences,
- (iv) farm field days.

Note— Farm experience premises is a type of *agritourism*—see the definition of the term in this Dictionary.

farm gate premises—

- (a) means a building or place—
 - (i) on a farm that is—
 - (A) a primary production business, or
 - (B) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
 - (ii) that is ancillary to the farm, and
 - (iii) that is used to provide visitors to the farm with agricultural products predominantly from the farm or other farms in the region or with services or activities related to the products, including the following—
 - (A) processing, packaging and sale of the products, but not the processing of animals,
 - (B) a restaurant or cafe,
 - (C) a facility for holding tastings or workshops, or providing information or education, related to the products, and
- (b) includes cellar door premises.

Note— Farm gate premises is a type of *agritourism*—see the definition of the term in this Dictionary.

landholding means 1 or more lots of land that—

- (a) are constituted or worked as a single property, and
- (b) are contiguous or are separated only by a road or watercourse.

primary production business has the same meaning as in the *Income Tax Assessment Act 1997* of the Commonwealth and includes a business that—

- (a) was a primary production business, and
- (b) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

[6] Dictionary, definition of “cellar door premises”

Omit “*retail premises*” from the note. Insert instead “*farm gate premises*”.

[7] Dictionary, definition of “restaurant or cafe”

Insert “, but does not include a restaurant or cafe that is included as part of artisan food and drink industry or farm gate premises” after “provided”.

[8] Dictionary, definition of “retail premises”

Insert “farm gate premises,” before highway service centres”.

[9] Dictionary, definition of “retail premises”

Omit paragraph (b).



EXPLANATION OF INTENDED EFFECT

Agritourism and small-scale agriculture development

Proposed amendments to support farm businesses and regional economies

March 2021



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About this explanation of intended effect

This explanation of intended effect (EIE) has been prepared for the purposes of section 3.30 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

It is presented in four parts:

- Part 1 – Executive summary
- Part 2 – Context
- Part 3 – Proposed amendments
- Part 4 – Have your say



Part 1 – Executive summary

1.1 This document

This explanation of intended effect (EIE) proposes amendments to the NSW planning system to better enable 'agritourism' and small-scale agricultural development to be approved. It also seeks to respond to natural disasters such as droughts and bushfires, and to simplify planning approvals for development or activities that have no or low environmental impact.

This document outlines the intended effect of proposed amendments to:

- the *Standard Instrument (Local Environmental Plans) Order 2006 (Standard Instrument LEP Order)*,
- the *State Environmental Planning Policy (Primary Production and Rural Development) 2019 (PPRD SEPP)*, and
- the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)*.

1.2 Background

In recent years, NSW farmers and farming communities have faced many challenges including prolonged drought, land fragmentation and declining terms of trade. This year alone, farming communities have had to deal with unprecedented bushfires and economic impacts arising from COVID-19 including travel and trade restrictions, cancellation of regional events, and temporary closure of local businesses.

The NSW Government is committed to supporting the recovery and resilience of our regional communities and farming by growing emerging industries that are supplementary to, or based on, agriculture. One such industry is agritourism, which will help to strengthen rural communities as travel restrictions ease across NSW.

Agritourism is a tourism-related experience or product that connects agricultural products, people or places with visitors on a farm or rural land for enjoyment, education, or to participate in activities and events. Agritourism activities enable farmers to diversify their income from farming businesses while maintaining primary production on the land as the principal use.

The NSW Government is seeking comment on proposals recommended by stakeholders to:

- broaden the types of agritourism activities that can be undertaken and provide approval pathways tailored to the scale and types of activities,
- support farmers during times of hardship or following natural disaster events,
- reduce land use conflict by providing clearer rules and better managing environmental and social impacts, and
- clarify current planning controls and expand approval pathways for certain agricultural activities.

The proposed amendments are underpinned by the principle of no or low environmental impact.

1.3 What is proposed

Informed by the NSW Government's *Making Business Easier Program* and a wider agritourism project led by the NSW Small Business Commission and Service NSW, the following amendments are proposed to the NSW planning system to facilitate agritourism:

- **farm stay accommodation** – to support more farm stay accommodation amendments are proposed to the existing definition of 'farm stay accommodation'
- **farm events** – to remove existing barriers and support farm events amendments are proposed to introduce a new definition for 'farm events'
- **farm gate activities** – to enable farm gate businesses to be established amendments are proposed to introduce a new definition for 'farm gate activities'

Fast track approval pathways, known as exempt and complying development, will also be established for these types of agritourism.

Comment is also sought on the following proposals to facilitate or improve approval pathways for low-impact agricultural activities:

- **small-scale processing plants** – allow establishment of these plants as complying development for meat, dairy and honey where certain development standards are met
- **rebuilding of farm infrastructure** – allow reconstruction of farm buildings and other structures as exempt development following natural disaster, where constructed to same size and contemporary building standards
- **stock containment areas** – update and rationalise existing planning controls to reflect current practice, and ensure stock containment areas used temporarily, such as during drought, do not impact negatively on surrounding uses
- **farm dams** – clarify terminology used in the planning system and provide a consistent approval process across the state
- **biosecurity for poultry farms and pig farms** – update development standards to align with separation distances required under biosecurity standards
- **setbacks for rural dwellings** - review controls that allow dwellings on rural lots as complying development to ensure there is sufficient separation from adjacent primary production enterprises
- **recreational beekeeping** – providing an exempt development pathway for recreational beekeeping to improve certainty.



Part 2 – Context

2.1 Background

With changes in markets, diminishing wholesale returns from traditional agricultural production and the seasonal nature of many agricultural industries, some traditional farms can no longer remain viable by simply producing food or fibre for wholesale markets. The planning system seeks to protect agricultural land and secure it as a resource for food production for future generations. There is scope for the planning framework to better support farmers' ability to innovate and diversify from purely primary production to other forms of value adding or complementary agribusiness.

Agritourism involves visiting a farm or food related business for enjoyment and education or to participate in activities and events. Agritourism is a growing sector of both the Australian and NSW economies, worth more than \$2 billion in NSW in 2014–15¹ and is expected to be worth \$18.6 billion in Australia by 2030, up from \$10.8 billion in 2018.² In 2019, Australians took 4.7 million trips to a farmgate, winery, brewery or distillery in a regional destination.³

Farmers are increasingly seeking options to diversify their income stream or value-add to their core agricultural business to make it more resilient, profitable and attractive to a new generation of farmers. The current regulatory and land use planning framework for these options can be complicated, costly and challenging for farmers to navigate.

Certainty, confidence and consistency in the planning framework will support investment in agritourism. A robust and flexible land use planning framework can provide strategic direction and a streamlined and efficient process for facilitating land uses that supplement agricultural industries.

In addition to agritourism, the department has identified other changes that could be made to reduce red tape and make it easier to use for farmers, particularly those running small-scale operations.

The NSW Government is committed to supporting economic development and job creation for NSW farms through a range of initiatives including simplifying land use definitions and development approval processes.

The proposed changes outlined below recognise the significance of agricultural industries and seek to:

- support investment in farms seeking supplementary incomes through other uses on the land
- facilitate a simple and streamlined approach to gaining approval for uses supplementary to primary production
- support farmers during times of hardship and following disaster events
- reduce land use conflict.

¹ NSW Department of Primary Industries, *NSW Agribusiness Positioned for prosperity*, Deloitte Access Economics report for the NSW Department of Primary Industries, July 2019,

https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0009/691191/Positioned-for-prosperity_final.pdf.

² CSIRO, *Growth opportunities for Australian food and agribusiness: Economic analysis and market sizing*, 2019, <https://www.csiro.au/en/Do-business/Futures/Reports/Ag-and-Food/Opportunities-for-Food-and-Agribusiness>.

³ Tourism Research Australia, *Wineries, Breweries, Distilleries, Farmgates*, Headline Stats for 2019.

2.2 Consultation and collaboration

2.2.1 Making Business Easier

The NSW Small Business Commission in collaboration with Service NSW has undertaken a program to help farmers diversify as part of the NSW Government's *Making Business Easier* program. Diversification is especially important in times of drought where land typically reserved for productive use is unable to generate enough income through its primary activities. It also supports the continued sustainability of agriculture in rural areas.

The department has worked with the commission to identify simplified pathways to establish low impact agritourism businesses on farms, including farm stay accommodation, farm tours, roadside stalls, farm events and retail on farms. This work aligns with the department's commitment to reduce red tape and make the planning system easy to use.

What is 'agritourism'?

'Agritourism' is a tourism-related experience or product that connects agricultural products, people or places with visitors on a farm or rural land for enjoyment, education, or to participate in activities and events.

Agritourism activities include direct shopfront outlets with produce tastings, regional markets, farm and winery tours, cooking classes, food and wine festivals, farm stays, restaurants sourcing local produce, self-picking experiences and farm gate sales. The term also covers farm-stay, camping and other on-farm accommodation, farm tours and activities, and events based on farms for their scenic quality, such as weddings.

More broadly, agritourism allows regional economies to showcase what's special about the region, its unique growing conditions and natural resources and provides a visitor draw card from which other regional tourism businesses and experiences can benefit.

Service NSW has conducted research that identified challenges in the current planning regime for aspirational agri-entrepreneurs.⁴ Many regional businesses have experienced difficulties in setting up agritourism businesses as:

- there is a lack of guidance to understand the planning approvals required
- it can be costly and time consuming to obtain approval
- some requirements have not kept up with contemporary practices
- some existing land use definitions and standards are inappropriate for the proposed use.

There is also variability in how the planning system is applied across NSW. This variation often relates to historical land use planning approaches and is not necessarily justified by regional differences or reflective of modern agricultural businesses.

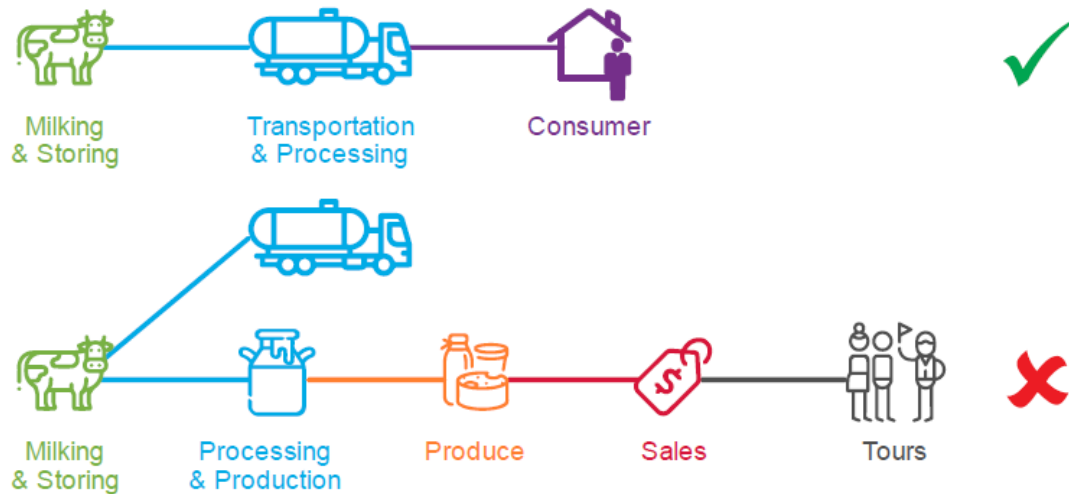
Figure 1 illustrates the variation between the permissibility of a traditional supply chain compared with agritourism activities, approval for which may vary for land with the same zoning in adjoining local government areas.

For example, two farmers can have cows, milk the cows and send the milk off site for processing, as intensive livestock agriculture is permitted. However, if they want to turn some milk into cheese, sell it on the property and provide tours, there may be different local environmental planning controls in place, which mean different rules apply to each farmer. On one side of the fence the farmer may be able to undertake the additional activities, but these may not be permitted on the other side because of local regulations. The activities could also be categorised, in planning terms,

⁴ Service NSW and NSW Small Business Commissioner, *Starting and running an agritourism business: Farmers' experiences and needs*, December 2019.

as covering a range of different uses including retail, artisan food and drink, light industry, eco-tourism, and information and education premises.

Figure 1 - Traditional supply chain compared with agritourism activities



Part 3 – Proposed amendments

3.1 Overview

The department is proposing amendments to existing controls within the planning system to facilitate more agritourism and small-scale agricultural developments, while balancing the need for individual councils to respond to different environmental and development settings.

The proposed changes include:

1. **Farm stay accommodation:** amending the existing definition for farm stay accommodation in the Standard Instrument LEP Order
2. **New land use terms:** introducing two new land use terms for farm gate activities and farm events in the Standard Instrument LEP Order. Including the new term in the Standard Instrument LEP Order will automatically introduce the term into all Standard Instrument LEPS
3. **New optional LEP clauses** - introducing new optional clauses for farm stay accommodation and farm gate activities that councils can apply where a development application is required
4. **New approval pathways** - providing exempt and complying development approval pathways in the Codes SEPP for agritourism activities where certain development standards are met
5. **Small-scale processing plants** - allowing the establishment of small-scale processing plants as complying development for meat, dairy and honey where certain development standards are met
6. **Rebuilding of farm infrastructure** - allowing the reconstruction of farm buildings and other structures as exempt development following natural disaster, where constructed to the same size and contemporary building standards including the Building Code of Australia and relevant Australian Standards.
7. **Stock containment lots** - updating and rationalising existing controls for stock containment lots to reflect current practice, and ensuring stock containment areas used temporarily, such as during drought, do not impact negatively on surrounding uses.
8. **Farm dams** - clarify terminology used in the planning system and provide a consistent approval process across the state
9. **Biosecurity** - updating development standards for poultry farms and pig farms to align with separation distances required under biosecurity standards
10. **Rural dwelling setbacks** - updating controls that allow dwellings on rural lots as complying development to ensure enough separation from adjacent primary production enterprises.
11. **Recreational beekeeping** – providing exempt development pathway for recreational beekeeping to improve certainty

These changes will allow small-scale agritourism development and other small-scale agricultural activities to occur on land where the primary use of the land is agriculture. Recognising the seasonal nature of some agricultural uses of land and the variability of the Australian climate, the proposals will also allow agritourism activities on farms that are not currently producing for reasons outside the landowner's control such as prolonged drought. The changes are not intended to enable hobby farmers or other recreational farmers to establish agritourism businesses.

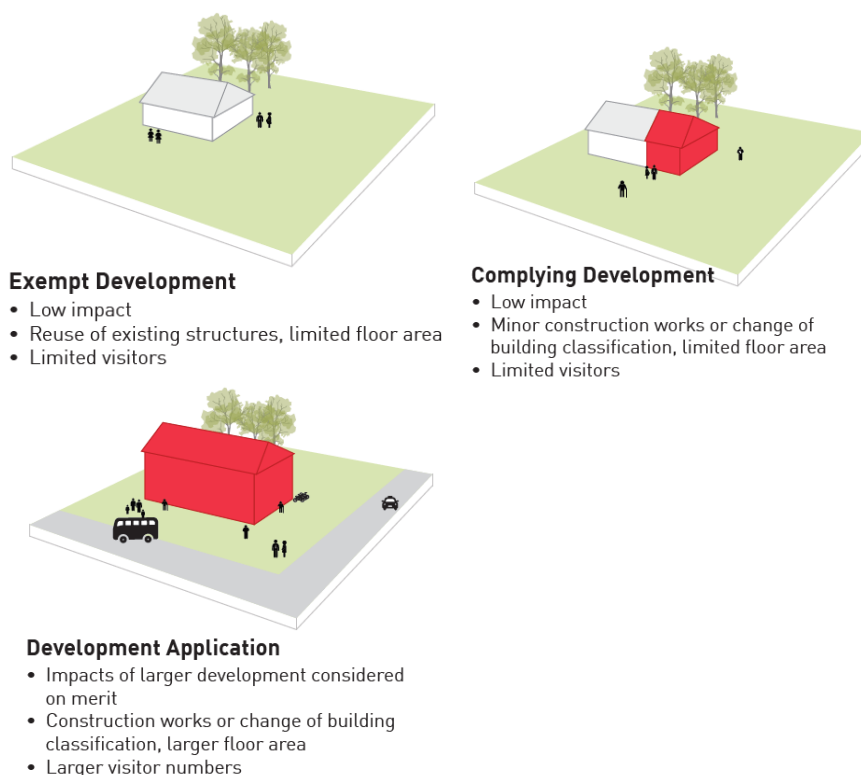
3.1.1 Simplified planning pathways

As illustrated in Figure 2 below, exempt development is minor, low impact development that can be undertaken without the need for planning or building approval if the work complies with specified development standards. Complying development is a combined planning and construction

approval for straightforward development that can be determined through a fast track assessment by a local council or a registered certifier. Complying development must also meet specified development standards.

Some councils have already simplified their planning requirements at a local level. The new exempt and complying development will allow more activities and development of low environmental impact on farms to gain planning approval quickly across NSW. Proposed new development standards will ensure development is at a scale appropriate for the agritourism or agricultural activity with minimal impacts on the surrounding land and amenity. Where these standards cannot be met, a landowner can lodge a development application with the local council.

Figure 2 - Illustration of development approval pathway thresholds (indicative only)



3.2 Farm stay accommodation

A key aspect of an agritourism business is the provision of on farm accommodation. It is also critical to the tourism industry in some regions. On farm accommodation:

- encourages tourism to locations that cannot be reached by day trip from major centres
- encourages longer stays
- can utilise existing assets – such as farm workers' accommodation or large homesteads
- can provide ancillary income for a business – particularly where the business is seasonal or affected by weather conditions
- allows visitors to understand and engage with the area in greater depth than can be offered by day visits. It is often coupled with activities within the property
- facilitates recreation, entertainment and/or educational experiences to visitors
- supports increased awareness of agriculture and an improved connection between food

production and consumption.

Current Definition (Standard Instrument LEP)

'farm stay accommodation' means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

3.2.1 Proposed amendments

The changes propose to amend the existing definition of farm stay accommodation to recognise that farming activities may fluctuate seasonally (particularly during periods of drought) and to broaden the use to include camping.

To ensure farm stay accommodation remains a low impact use, an optional clause is proposed that councils can choose to adopt, with development standards councils can tailor to suit local conditions.

Exempt and complying development pathways have been developed to allow some building works, the change of use of existing buildings to farm stay accommodation and some camping opportunities without the need for a development application as long as the development standards are met.

3.2.1.1 Proposed definition

It is proposed to amend the existing definition of farm stay accommodation in the Standard Instrument LEP Order to:

- remove the references to working farm and secondary business as these requirements are restrictive for farms that operate on a seasonal basis and are not typically planning considerations
- replace these references with a requirement that the existing principal use of the land must be the production of agricultural/primary production goods for commercial purposes to ensure a farm stay supplements an existing commercial farming business
- enable farm stay accommodation on a farm that is currently not producing goods because of drought or similar events outside the landowner's control
- include accommodation in a building and camping (camping is currently not included under farm stay accommodation). It is proposed to amend the definitions of camping ground and caravan park to exclude tents, campervans and caravans erected on land for the purposes of farm stay accommodation. This is intended to facilitate small-scale camping being undertaken on a farm as exempt development (described below).

Amending the definitions in the Standard Instrument LEP Order will amend the definitions in all Standard Instrument LEPs.

3.2.1.2 Permissibility

Farm stay accommodation will continue to be permissible with consent wherever councils currently identify it as permissible with consent in their LEPs.

3.2.1.3 Approval Pathways

The proposed approval pathways for farm stay accommodation are exempt development, complying development and lodging a development application. The approval pathway will depend on the type of development proposed, as shown in Table 1.

Table 1 - Summary of proposed approval pathways for farm stay accommodation

Approval pathway	Proposed development	Approval required
Exempt development	<ul style="list-style-type: none"> Change of use of an existing dwelling or part of a dwelling Use of land for farm stay accommodation in tents, caravans or similar 	No planning or building approval required if specified development standards are met
Complying development	<ul style="list-style-type: none"> Change of use of an existing building or manufactured home Erection, alteration or addition to a building or manufactured home 	A fast-tracked approval can be issued by the local council or a registered certifier if specified development standards are met
Development application	<ul style="list-style-type: none"> Any proposal that does not satisfy the requirements for exempt and complying development 	The local council will undertake a merit assessment of the proposal and issue a development consent if approved

Further details about these proposed approval pathways and the proposed development standards for each pathway are explained below.

Exempt development

Change of use of an existing dwelling or part of a dwelling

It is proposed to allow the change of use of an existing dwelling or part of a dwelling (including rural workers dwelling and secondary dwellings) on rural zoned land as exempt development for the purpose of farm stay accommodation where it has been lawfully constructed and introduce the following development standards:

Maximum guests

- allow up to two persons aged over 12 per bedroom

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Use of land for farm stay accommodation

It is proposed to allow the use of land for farm stay accommodation as exempt development where visitors reside in tents, caravans, campervans or other similar portable and light weight temporary shelters on rural zoned land and introduce the following development standards:

Operational requirements

- the use must be permissible with consent under council’s local environmental plan
- allow up to 20 persons in any tents, caravans, campervans or other similar portable and light weight temporary shelters at any one time on the landholding for up to 14 days
- unoccupied caravans, campervans and tents are not to remain on the land after 24 hours

Location and size

- a tent must not be installed closer than 6 metres to any building, caravan, annexe or campervan or closer than 3 metres to any other tent
- the development cannot occur on land that is significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*
- the development cannot occur on land that is bush fire prone land

Setbacks

- the minimum following setbacks from any adjoining established or proposed:
 - pig farm, feedlot or poultry farm – 1,000 metres
 - other intensive livestock agriculture – 500 metres
 - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres
 or 250 metres from the boundary with the other use, whichever is greater
- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm accommodation may have the same setback
- a setback of 100 metres from any waterway

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed
- if human waste storage devices are proposed, these devices must not be emptied on sites without reticulated sewerage.

Complying development**Change of use of an existing building or manufactured home**

It is proposed to enable a change of use of an existing building or manufactured home to farm stay accommodation on rural zoned land as complying development under the Codes SEPP. The following development standards are proposed:

Use, number of buildings and size

- the current use must be a lawful use
- maximum one dwelling per 15 hectares, to a maximum of six dwellings on a landholding
- the new use must not be carried out at premises that are a moveable dwelling or associated structure (except for a manufactured home), temporary structure, or tent
- maximum floor area of the development must be 60 square metres

Bush fire prone land and flood control lots

- the development must comply with the flood control lots requirements in the Codes SEPP (clause 3D.7) if the building is on this type of land
- the development must not be a type that requires a bush fire safety authority under section 100B of the *Rural Fires Act 1997* because it is on bushfire prone land.

Setbacks

- the minimum setbacks from any adjoining established or proposed:
 - pig farm, feedlot or poultry farm – 1,000 metres

- other intensive livestock agriculture – 500 metres
 - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres
- or 250 metres from the boundary with the other use, whichever is greater
- if an existing dwelling has a setback from another use that is less than these setbacks or is less than 250 metres from the boundary, the farm stay accommodation may have the same setback

Services

- if water supply or sewerage services (or both) is to be provided by a water utility, the applicant must obtain written advice that specifies the works or other requirements to be completed from the relevant water utility

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Note: Farm stay accommodation is a type of 'tourist and visitor accommodation' under the SI LEP Order. Under the *Rural Fires Act 1997*, development for the purpose of tourist accommodation cannot be undertaken as complying development on bush fire prone land.

Erection, alteration or addition to a building or manufactured home

It is proposed to enable the **erection, alteration or addition to a building or manufactured home** as complying development on rural zoned land to be used for farm stay accommodation. The following development standards are proposed:

Use, location and size

- any structure constructed or converted for the purpose of farm stay accommodation cannot be used as a dwelling without consent
- the erection of a new building or manufactured home for farm stay accommodation must be within 300 metres of the existing dwelling
- maximum height of 6 metres
- for a new building or manufactured home, a maximum floor area that is the greater of the standard in the relevant LEP or 60 square metres
- maximum one dwelling per 15 hectares, to a maximum of six dwellings on a landholding
- the development cannot occur on land that is significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*

Setbacks

- side setback of the existing dwelling on the land or 200 metres, whichever is less
 - the minimum following setbacks from any adjoining established or proposed:
 - pig farm, feedlot or poultry farm – 1,000 metres
 - other intensive livestock agriculture – 500 metres
 - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres
- or 250 metres from the boundary with the other use, whichever is greater

- if an existing dwelling has a setback from the other use that is less than these setbacks or is less than 250 metres from the boundary, the farm stay accommodation may have the same setback

Services

- the development cannot occur on unsewered land to which *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* applies, if that development will result in an increase to the number of bedrooms on the site or in a site disturbance area of more than 250 square metres or in any other drinking water catchment identified in any other environmental planning instrument

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Development application

Where a proposal for farm stay accommodation does not satisfy the requirements for exempt or complying development, a development application can be lodged with the local council. To appropriately consider the impact of farm stay accommodation where development consent is required, an optional clause is proposed that councils can choose to include in their LEPs which:

- includes objectives to:
 - allow for small scale tourism and commercial uses that complement the agricultural use of the land
 - balance the impacts of tourism and commercial uses on the environment, infrastructure and adjoining land uses
- provides the following requirements for farm stay accommodation:
 - allow the number of people accommodated in any buildings/manufactured homes to be three times the number of bedrooms permitted under clause 5.4(5) of the council's LEP, or the number the council specifies in its LEP
 - allow the number of persons in any tents, caravans, campervans or other similar portable and light weight temporary shelters on the landholding to be 20 at any one time for up to 14 days
 - require the maximum floor area of any new building to be 75 square metres or the number the council specifies in its LEP (which must be not more than 75 square metres).

It is also proposed to amend clause 2.6 of the Standard Instrument LEP Order to prevent the creation of a dwelling entitlement in relation to farm stay accommodation. This is intended to preclude the fragmentation of prime agricultural land.

3.2.2 Farm stay accommodation - consultation questions

1. Are the proposed setbacks to pig farms, other intensive livestock, forestry and mines for exempt and complying development appropriate?
2. Where a development application is required, should farm stay accommodation be permitted only on land that benefits from a dwelling entitlement?
3. For complying development, should there be a requirement that a new building or manufactured home for farm stay accommodation be within 300 metres (or some other distance) from the existing dwelling house to enable clustering together of sensitive land uses?

4. Should there be different development standards for farm stay accommodation based on land size or location (such as whether the land is inland or east of Great Dividing Range)? If yes, please provide your suggestions and reasons.



Photo courtesy of Smith and Tzannes Architecture and Urban Planning

3.3 Farm gate activities

Farm gate is a common term used where value is added to a farm's produce and there is an interaction with the farm by the purchaser of the goods. Farm gate activities may include appropriate infrastructure to enable on-farm dining or entertainment.

Farm gate activities are in keeping with the surrounding agricultural landscape, community and region. These activities can also protect farming from encroachment by non-agricultural or conflicting uses by strengthening the value of the agricultural activity itself.

Landholders are generally unable to process and sell retail products produced on a farm under existing planning requirements.

The proposed changes will make it easier for farmers to gain approval and establish businesses associated with their agricultural production activity. Farm gate activities vary significantly, from selling apple pie on a farm where the apples are grown on the property, to developing a cidery on a farm which uses ingredients predominantly grown in the surrounding area.

It is proposed to introduce a new land use term 'farm gate activities' into the Standard Instrument LEP Order to provide greater opportunities for landowners to showcase the agricultural produce from their land or the surrounding area through retail sales, a small restaurant or café, or tastings and workshops.

To ensure farm gate activities remain low intensity uses, an optional clause is proposed that councils can choose to adopt and tailor to suit local conditions.

Exempt and complying development pathways have also been developed to allow streamlined approval pathways for farm gate activities on certain land. This will allow some building works as complying development, changing the use of existing buildings to farm gate activities and erecting a roadside stall as exempt development.

3.3.1 Proposed amendments

3.3.1.1 Proposed definition

It is proposed to introduce a new land use term in the Standard Instrument LEP Order for farm gate activities which includes:

- a. the processing, packaging and sale of agricultural produce, or
- b. a restaurant or café, or
- c. facilities for the holding of tastings, workshops or providing information or education to visitors

for agricultural produce grown on the farm or predominantly grown in the surrounding area.

The proposed definition will make it clear that the principal use of the land must be the production of agricultural goods for commercial purposes. The proposed new term will also enable farm gate activities where the farm is currently not producing goods because of drought or similar events outside the landowner’s control.

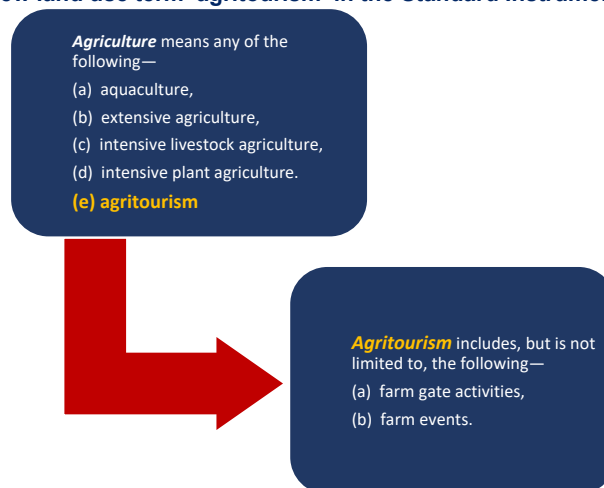
3.3.1.2 Permissibility

It is proposed to create a new land use term ‘agritourism’ in the Standard Instrument LEP Order and farm gate activities will be a subset of this new term. It is further proposed that ‘agritourism’ will be a subset of the existing land use term ‘agriculture’.

Additional proposals include existing terms in the Standards Instrument LEP Order, ‘roadside stall’ and ‘cellar door premises’, to become subsets of the new ‘farm gate activities’ term.

These changes mean that farm gate activities will initially be permissible in all LEPs wherever ‘agriculture’ is currently permissible. Councils can then permit farm gate activities in additional zones, such as zones in which existing land uses, e.g. roadside stalls, are currently permitted. Roadside stalls and cellar door premises will continue to be permissible where they are currently permitted, as well as being permitted wherever ‘agriculture’ is permissible.

Figure 3 - Proposed new land use term ‘agritourism’ in the Standard Instrument LEP Order



Note: This is indicative only and subject to change in response to feedback received during exhibition

3.3.1.3 Approval pathways

The proposed approval pathways for farm gate activities are exempt development, complying development and lodging a development application. The approval pathway will depend on the type of development proposed, as shown in Table 2.

Table 2 - Summary of proposed approval pathways for farm gate activities

Approval pathway	Proposed development	Approval required
Exempt development	<ul style="list-style-type: none"> Use of land for farm gate activities Change of use to a roadside stall Erection of a roadside stall 	No planning or building approval required if specified development standards are met
Complying development	<ul style="list-style-type: none"> Change of use of an existing building Erection, alteration or addition to a building for a farm gate activity 	A fast-tracked approval can be issued by the local council or a registered certifier if specified development standards are met
Development application	<ul style="list-style-type: none"> Any proposal that does not satisfy the requirements for exempt and complying development 	The local council will undertake a merit assessment of the proposal and issue a development consent if approved

Further detail about these proposed approval pathways and the proposed development standards for each pathway are explained below.

Exempt development

Use of land for farm gate activities

It is proposed to allow the use of land for farm gate activities on rural zoned land as exempt development and introduce the following development standards:

Operational requirements

- the development must not involve a change of building use
- standard hours of operation to apply – 7.00 am to 7.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday

Setbacks

- the minimum setbacks from any neighbouring established or proposed:
 - pig farm, feedlot or poultry farm – 1,000 metres
 - other intensive livestock agriculture – 500 metres
 - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres

or 250 metres from the boundary with the other use, whichever is greater
- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm gate activity may have the same setback

Site location and access

- where development utilises an existing access point to a road, that access point is to have a clear sight distance of 250 metres to an approaching vehicle along the major road or comply with the sight distance requirements of Austroads Guide to Road Design Part 3, Table 5.5
- the development cannot be carried out on land in bush fire attack level-40 or the flame zone

Maximum guests

- maximum number of guests is 50 at any one time

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Change of use to a roadside stall

It is proposed to allow a change of use to a roadside stall on rural-zoned land as exempt development subject to the existing development standards in clause 2.20B of the Codes SEPP (roadside stalls are currently excluded from these provisions), which include preventing an increase in gross floor area of the building, compliance with existing conditions of development consent relating to hours of operation, noise, car parking, waste management, etc.

Erection of a roadside stall

It is proposed to allow the erection of a roadside stall on rural zoned land as exempt development and introduce the following development standards:

Building use, location and size

- the use must be permissible with consent under council's local environmental plan
- maximum footprint 8 square metres
- the development must be located on private property
- the development must not be located adjacent to a classified road

Site access and parking

- development must use an existing access point to a road and this access is to have a clear sight distance of 250 metres to an approaching vehicle along the road or comply with the sight distance requirements of Austroads Part 3, Table 5.5.
- any parking accommodated on the verge:
 - must be at least 3 metres from any carriageway
 - the verge must be graded
- if parking is not provided on the verge, it must be provided within the boundary of the property and cars must be able to access and leave the property in a forward direction
- maximum one roadside stall per land holding

Waste Management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Note: Approval from the roads authority is required for any new access driveway.

Complying development**Change of use of an existing building**

It is proposed to allow the **change of use of an existing building** to a farm gate activity premises on rural zoned land as complying development and introduce the following development standards:

Use, location and size

- the current use must be a lawful use
- the new use must not be carried out at premises that are a manufactured home, moveable dwelling or associated structure, temporary structure, tent
- maximum 200 square metre footprint for each building and 500 square metre footprint for all buildings used for farm gate activities and farm events

Maximum guests

- maximum number of guests is 50 at any one time

Setbacks

- the minimum following setbacks from any adjoining established or proposed:
 - pig farm, feedlot or poultry farm – 1,000 metres
 - other intensive livestock agriculture – 500 metres
 - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres
 or 250 metres from the boundary with the other use, whichever is greater
- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm gate activity may have the same setback
- setback at least 50 metres from any other fence or otherwise marked property boundary

Services

- if water supply or sewerage services (or both) is to be provided by a water utility, the applicant must obtain written advice that specifies the works or other requirements to be completed from the relevant water utility

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Erection, alteration or addition to a building for a farm gate activity

It is proposed to allow the **erection, alteration or addition to a building for a farm gate activity** on rural zoned land as complying development and introduce the following development standards:

Building location and size

- maximum 200 square metres for each building and 500 square metre footprint for all buildings used for farm gate activities and farm events provide that a road setback is not required for structures with a floor area less than 12 square metres and height up to 3.5 metres and which are for the sale of goods or produce (roadside stalls)
- maximum height:
 - 7 metres for landholding 4000 square meters to 10 hectares
 - 10 metres for landholding greater than 10 hectares
- the development cannot occur on land that is significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*

Maximum guests

- maximum number of guests is 50 at any one time

Setbacks

- the minimum following setbacks from any neighbouring established or proposed:
 - pig farm, feedlot or poultry farm – 1,000 metres
 - other intensive livestock agriculture – 500 metres
 - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres

or 250 metres from the boundary with the other use, whichever is greater

- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm gate activity may have the same setback
- setback at least 50 metres from any other fence or otherwise marked property boundary

Services

- the development cannot occur on unsewered land in the Sydney drinking water catchment if it will cause a site disturbance area of more than 250 square metres, or in any other drinking water catchment identified in an environmental planning instrument

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Development application

Where a proposal for farm stay accommodation does not satisfy the requirements for exempt or complying development, a development application can be lodged with the local council. To appropriately consider the impact of farm gate activities where development consent is required, an optional clause that councils can adopt in their LEPs is proposed which will:

- introduce objectives:
 - to allow for small scale tourism and commercial uses that complement the agricultural use of the land
 - to balance the impacts of tourism and commercial uses on the environment, infrastructure and adjoining land uses
- introduce the following standards:
 - a. the gross floor area must not exceed 200 square metres or the number the council specifies in its LEP (which must be not less than 200 square metres)
 - b. the maximum number of people is not to exceed 50 at any one time or the number the council specifies in its LEP (which must be not less than 50)
 - c. despite a., if a structure is a roadside stall, the maximum floor area must not exceed 8 square metres or the number the council specifies in its LEP (which must be not less than 8 square metres).

3.3.2 Farm gate activities - consultation questions

5. How far do you think a roadside stall should be setback from the road?
6. What additional standards should be included for the exempt and complying development pathways for farm gate activities, if any?



Photo courtesy of Smith and Tzannes Architecture and Urban Planning

3.4 Farm events

The ability to hold rural events can allow farmers to diversify and value add to their agricultural business. In addition to the direct benefits to agricultural business, rural events can have a far-reaching supply chain benefit to the surrounding economy. For example, if a farm can host a wedding, beyond just the hiring of a venue on a farm, the event can result in hiring of local accommodation services, engagement of event services (such as photographers, stylists and transport), food and drink services, supporting services (gift shops, child minding) and facilities services (party hire, mobile toilet hire etc).

There are limited land use terms in the planning system that enable rural events. Applicants can rely on the definition in the Standard Instrument LEP Order for 'function centre' or use the temporary use of land clause in the Standard Instrument LEP Order (clause 2.8) to seek development consent. Including a definition for events on farms will provide greater certainty around where such development can take place.

It is proposed to introduce a new land use term 'farm events' into the Standard Instrument LEP Order to allow events, tours, functions and conferences on land used for agriculture.

The proposed definition will also enable farm events on a commercial farm that is currently not producing goods because of drought or similar events outside the landowner's control.

Exempt and complying development pathways have been developed to allow streamlined approvals for low scale, low impact farm events. The exempt development pathway will only be available for a limited number and scale of events per year and certain development standards must be met. Complying development pathways will allow some building works and a change of use of existing buildings for farm events.

3.4.1 Proposed amendments

3.4.1.1 Proposed definition

It is proposed to introduce a new land use term in the Standard Instrument LEP Order to permit events, tours, functions, conferences, fruit picking, horse riding and other similar experiences on land for which the principal use of the land is the production of agricultural goods for commercial purposes. The definition will also enable farm events on a commercial farm that is currently not producing goods because of drought or similar events outside the landowner’s control.

3.4.1.2 Permissibility

It is proposed to create a new land use term ‘agritourism’ in the Standard Instrument LEP Order and farm events will be a subset of this new term. It is further proposed that ‘agritourism’ will be a subset of the existing land use term ‘agriculture’ – see diagram at section 3.3.1.2 Permissibility.

These changes mean that initially, farm events will be permissible in all local environmental plans wherever ‘agriculture’ is currently permissible. Councils can then permit farm events in any additional zones.

3.4.1.3 Approval pathways

The proposed approval pathways for farm events are exempt development, complying development and lodging a development application. The approval pathway will depend on the type of development proposed, as shown in Table 3.

Table 3 - Summary of proposed approval pathways for farm events

Approval pathway	Proposed development	Approval required
Exempt development	<ul style="list-style-type: none"> Use of rural zoned land for farm events 	No planning or building approval required if specified development standards are met
Complying development	<ul style="list-style-type: none"> Change of use of an existing building to farm event premises Erection, alteration or addition to a farm event building 	A fast-tracked approval can be issued by the local council or a registered certifier if specified development standards are met
Development application	<ul style="list-style-type: none"> Any proposal that does not satisfy the requirements for exempt and complying development 	The local council will undertake a merit assessment of the proposal and issue a development consent if approved

Further detail about these proposed approval pathways and the proposed development standards for each pathway are explained below.

Exempt development

Use of rural zoned land

It is proposed to allow the use of rural zoned land for a farm event that does not involve manufacturing food or drink as exempt development and introduce the following development standards:

Operational requirements

- the development must not involve a change of building use
- events must only take place during the following times:

- 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday
- 7.30 am to 12.00 am on Friday or Saturday
- 8.00 am to 8.00 pm on Sunday
- maximum number of guests and event days per year:
 - 52 event days per year and up to 30 guests per event, or
 - 10 event days per year and up to 50 guests per event
- the event holder is to notify neighbours of an event at least one week before holding the event

Setbacks

- the minimum setbacks from any neighbouring established or proposed:
 - pig farm, feedlot or poultry farm – 1,000 metres
 - other intensive livestock agriculture – 500 metres
 - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres
 or 250 metres from the boundary with the other use, whichever is greater
- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm accommodation gate activity may have the same setback
- setback at least 50m from any other fence or otherwise marked property boundary
- events that have amplified music or voices, must be located at least 1,000 metres from the nearest existing dwelling house and any building which houses animals including stables, stock yards and poultry sheds, on an adjoining property

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Complying development

Change of use of an existing building to farm event premises

It is proposed to allow a change of use of an existing building to farm event premises on rural zoned land as complying development and introduce the following development standards:

Operational requirements

- the current use must be a lawful use
- the new use must not be carried out at premises that are a manufactured home, moveable dwelling or associated structure, temporary structure, tent
- events must only take place during the following times:
 - 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday
 - 7.30 am to 12.00 am on Friday or Saturday
 - 8.00 am to 8.00 pm on Sunday
- maximum number of guests and event days per year:
 - 52 event days per year and up to 30 guests per event, or
 - 10 event days per year and up to 50 guests per event

Use, location and size

- maximum 200 square metres for each building and 500 square metre footprint for all buildings used for farm gate activities and farm events

Setbacks

- the minimum setbacks from any neighbouring established or proposed:
 - pig farm, feedlot or poultry farm – 1,000 metres
 - other intensive livestock agriculture – 500 metres
 - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metresor 250 metres from the boundary with the other use, whichever is greater
- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm event may have the same setback
- setback at least 50 metres from any other fence or otherwise marked property boundary

Services

- if water supply or sewerage services (or both) is to be provided by a water utility, the applicant must obtain written advice that specifies the works or other requirements to be completed from the relevant water utility

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed

Erection, alteration or addition to a farm event building

It is proposed to allow the erection, alteration or addition to a building that is to be used for a farm event on rural zoned land as complying development and introduce the following development standards:

Operational requirements

- maximum number of guests and event days per year:
 - 52 event days per year and up to 30 guests per event, or
 - 10 event days per year and up to 50 guests per event
- events must only take place during the following times:
 - 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday
 - 7.30 am to 12.00 am on Friday or Saturday
 - 8.00 am to 8.00 pm on Sunday
- the event holder is to notify neighbours of an event at least one week before holding the event

Building location and size

- maximum footprint of 200 square metres for each building and 500 square metres for all buildings used for farm gate activities and farm events
- maximum height:
 - 7 metres for landholding 4000 square metres to 10 hectares
 - 10 metres for landholding greater than 10 hectares

- the development cannot occur on land that is significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*

Setbacks

- the minimum following setbacks from any neighbouring established or proposed:
 - pig farm, feedlot or poultry farm – 1,000 metres
 - other intensive livestock agriculture – 500 metres
 - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres
- or 250 metres from the boundary with the other use, whichever is greater
- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm event may have the same setback
- setback at least 50 metres from any other fence or otherwise marked property boundary

Services

- the development cannot occur on unsewered land in the Sydney water catchment if it will cause a site disturbance area of more than 250 square metres, or in any other drinking water catchment identified in an environmental planning instrument

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

3.4.2 Farm events - consultation questions

- The proposed maximum number of people and events per day for exempt and complying development are:
 - 52 event days per year and up to 30 guests per event, or
 - 10 event days per year and up to 50 guests per event
 Are these appropriate?
- What events, if any, do you think should be excluded from the definition of farm events?
- Should changes be made to the planning system to facilitate destination weddings under a development application? If so, in which zones should destination weddings be permitted? Please provide reasons for your selection.
 - RU1
 - RU2
 - RU4 zones
 - Other zones (please specify)
- Should the department prepare a model clause for destination weddings which councils can choose to adopt?
- Is there any rural land or areas in which agritourism activities should not be permitted? If yes, why?



3.5 Additional proposed changes relating to agritourism

The following additional changes are proposed to apply existing standards to the agritourism activities and amend existing exempt development standards to better facilitate these activities.

3.5.1 Proposed amendments

Bush fire prone land: Apply existing complying development standards in the Codes SEPP for bush fire prone land to buildings used for farm activities or farm events as complying development.

Business identification signs: Amend clause 2.83 exempt development provisions of the Codes SEPP to allow business identification signs for farm stay accommodation, farm gate activities and farm events, limited to 4 per landholding and one sign every 2 kilometres.

Free standing signs: Amend the Codes SEPP to allow the construction of business identification signs as exempt development that are displayed on a free-standing structure, fixed to the fence adjacent the entry gate or the entry gate. Introduce the following development standards:

- a) the development must not result in more than 3 business identification signs of this type per property
- b) the development must be associated with a farm gate activity use, farm stay accommodation, or farm events use on the land
- c) the development must not be more than 2 metres above ground level (existing)
- d) each sign must not have an area greater than 2 square metres
- e) the development must be constructed and installed in accordance with Australian Standards:
 - i. AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles
 - ii. AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions
- f) only one sign may be illuminated and if illuminated must:
 - i. not be animated, flashing or moving
 - ii. comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting
- g) if the hours of operation of the business identified on the sign have been approved, operate during those hours, or if the hours of operation of the business identified on the sign have not been approved, operate between 7.00 am and 10.00 pm on any day

- h) a sign on rural zoned land advertising a roadside stall may only be located on the same landholding as the roadside stall.

Verandahs: Amend clause 2.12 of the Codes SEPP to allow decks, patios, pergolas, terraces and verandahs on the front of buildings in rural zones as exempt development if they are setback 50 metres from the road. This will allow farm gate businesses to provide an area for tastings.



3.6 Small-scale processing plants

Amendments to the Codes SEPP are proposed to allow small-scale processing plants associated with agricultural produce industries that process meat, honey and dairy as complying development. The provisions would use the definitions of livestock processing industries and agricultural produce industries contained in the Standard Instrument LEP.

3.6.1 Proposed development standards

Small-scale processing plants would be complying development with the following development standards:

- maximum throughput per annum of:
 - 3 million litres for dairy
 - 4,000 carcasses for pork
 - 1,000 lamb carcasses
 - 100 beef carcasses
 - 4,000 carcasses for poultry
 - 1,000 carcasses for other animals such as deer, kangaroo
- not be used for the processing of skins or wool of animals, or as knackerries, tanneries, woolscours or rendering plants
- must be setback a minimum of:
 - 100 metres from a natural waterbody or wetland
 - 500 metres from the nearest existing dwelling house other than the house located on the property
 - 5 kilometres from a residential zone

- no more than one per property.
- hours of operation 6am to 7pm Monday to Saturday, 8am to 5pm Sunday
- must be a minimum of 500 metres from another existing or proposed poultry or pig production facility.

Note: There are provisions in the EP&A Regulation (Schedule 3) that classify livestock processing industries and agricultural produce industries as designated development by certain locational criteria. Designated development cannot be complying development.

3.6.2 Small scale processing plants - consultation questions

12. Should any other agricultural produce industries be complying development? What standards should apply?
13. Is a maximum throughput of 1,000 carcasses per annum for other animals such as deer or kangaroo appropriate?
14. Should any additional standards be included?
15. Should the locational criteria that classify livestock processing industries as designated development be reviewed for small-scale processing plants to determine whether these plants could be approved:
 - a) as complying development?
 - b) through the standard DA process?

3.7 Rebuilding of farm infrastructure

This year, farming communities were impacted by unprecedented bushfires. A range of amendments were made to planning controls in January and February 2020 to help people affected by the bushfires such as allowing certain activities without planning approval including temporary accommodation, temporary portable offices, temporary storage, and demolition and repair of damaged buildings.

To further assist in efficient recovery following future events, amendments to the Codes SEPP are proposed to allow farm buildings that have been damaged or destroyed by a natural disaster event to be rebuilt as exempt development, if built to a contemporary standard and in the same location. This will benefit farmers that are unable to use the existing exempt development provisions to rebuild farm buildings because of requirements such as minimum setbacks from boundaries.

3.7.1 Proposed development standards

Reconstruction of farm buildings is exempt development with the following development standards:

- The structure must have been destroyed or significantly damaged in a natural disaster.
- The structure must be of the same building class under the BCA.
- The structure must have been a lawful structure.
- The structure must be built to current BCA standards.
- The new structure is to be located on the same building footprint as the former structure.
- The height of the new structure must not be greater than the structure that was lost due to a natural disaster.
- The new structure must comply with standards identified under the following provisions except for provisions relating to height and footprint. If it is:
 - a farm building (other than stock holding yards, grain silos, and grain bunkers) it must comply with clause 2.32 of the Codes SEPP
 - a stock holding yard it must comply with clause 2.32B of the Codes SEPP

- a grain silo or grain bunker it must comply with clause 2.32D, 2.32E, 2.32F of the Codes SEPP.

3.7.2 Rebuilding of farm infrastructure - consultation questions

16. Will these provisions sufficiently enable the rebuilding of buildings lost to natural disasters in the same location of the same size and form?
17. Should any additional standards be included?



3.8 Stock containment areas

These proposed amendments relate to the construction of stock containment areas to temporarily contain livestock to assist during and immediately after natural disasters, and for routine animal husbandry purposes:

- amendments to implement locational requirements for all stock containment areas in response to impacts some containment areas have had on waterways and the oyster industry
- amendments to simplify clauses 18(2) and (3) of the Primary Production and Rural Development SEPP and update them to reflect current practice
- currently the provisions for stock containment areas and feedlots are spread across the Primary Production and Rural Development SEPP and Standard Instrument LEP. To reduce complexity, options to locate these controls in one place are being explored.

Allow minor permanent infrastructure to be developed without consent for stock containment areas (to contain livestock temporarily, not permanently).

3.8.1 Proposed development standards

Development for the purpose of a stock containment area, or other feeding or housing arrangements, for any or a combination of the following purposes:

- to manage stock during or immediately following a drought, flood, fire or similar emergency
- for temporary agistment or housing; or
- for weaning, dipping, tagging, backgrounding or similar husbandry purposes may be carried out without development consent if:

- a) development for the purpose of agriculture may be carried out with or without development consent on the land
- b) there is currently an agriculture land use lawfully occurring on the land
- c) it is not located in an environmentally sensitive area
- d) it is not located within 100 metres of a natural watercourse
- e) it is not located within 500 metres of a residential zone or an adjoining dwelling that is not associated with the development.

3.8.2 Stock containment areas - consultation questions

18. What type of permanent infrastructure should be permitted for stock containment areas?

19. What type of permanent infrastructure should not be permitted for stock containment areas?

3.9 Farm dams

Farm dams are minor development that is essential for agricultural purposes to provide water for stock, fire protection and irrigation. In areas of NSW (near the Murray River) small farm dams are permitted without consent while in other areas they are considered 'water storage facilities' that often need consent.

There is some inconsistency in terminology used around farm dams in the Standard Instrument LEP, the PPRD SEPP, and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

Stakeholders have suggested the various planning terms and approval pathways that apply across the state could be consolidated to simplify the planning system.

3.9.1 Proposed amendments

Clarify terminology used in the SI LEP, PPRD SEPP and EP&A Regulation 2000 and consider providing a consistent approval process.

3.9.2 Farm dams - consultation questions

20. How could we simplify planning provisions for farm dams?

3.10 Biosecurity for poultry farms and pig farms

Currently, the standards for biosecurity for poultry farms and pig farms in the Standard Instrument LEP (clause 5.18) and PPRD SEPP are not in line with industry standards such as the Best Practice Management for Meat Chicken Production in NSW produced by the NSW Poultry Meat Industry Committee in conjunction with the Department of Primary Industries and other government agencies.

Amendments are proposed to better address biosecurity for poultry farms and pig farms. Biosecurity risks for poultry are negligible up to 10,000 birds, so it is proposed to raise the provisions allowing poultry farms to be developed without consent from 1,000 to 10,000 birds, subject to locational restrictions.

3.10.1 Proposed amendments

Clause 5.18 of the Standard Instrument LEP will be amended so that development consent is not required for poultry farms with less than 10,000 birds but only if they are not within:

- 1,000 metres of other poultry farms, or
- 5,000 metres of poultry farms used for the breeding of poultry
- If it is a poultry farm used for the breeding of poultry – 5,000 metres of a poultry farm.

Development consent is not required for pig farms with fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows) but only if they are not within 3,000 metres of another pig farm.

Other locational restrictions in clause 5.18 will remain. The PPRD SEPP will be amended to align with these changes.

3.10.2 Biosecurity for poultry and pig farms - consultation questions

21. Do the proposed provisions adequately provide for biosecurity between poultry farms and pig farms?

22. Should any additional standards be included?

3.11 Rural dwelling setbacks from intensive livestock agriculture

Currently, the Codes SEPP requires a setback of 250m for rural dwellings from a boundary with adjoining land being used for any of the following:

- (i) forestry
- (ii) intensive livestock agriculture
- (iii) intensive plant agriculture
- (iv) mines and extractive industries
- (v) railway lines
- (vi) rural industries.

There are concerns that these setbacks may not be large enough to minimise impacts from intensive livestock agriculture on new dwellings.

3.11.1 Proposed amendments

In addition to the existing setbacks from boundaries of properties being used for intensive livestock agriculture, the department proposes that rural dwellings have a setback of:

- 1,000 metres from any existing or proposed pig farm, feedlot or poultry farm
- 500 metres from any existing or proposed other intensive livestock agriculture development

The greater separation distance will apply. If these setbacks cannot be complied with, a development application will be required.

These changes to setbacks seek to reduce potential land use conflict without significantly reducing the ability for rural landowners to develop new houses as complying development.

3.11.2 Rural dwelling setbacks from intensive agriculture - consultation questions

23. Should the setbacks for rural dwellings be increased from its current requirement to be 250 metres from the boundary (when carried out as complying development)?

24. From which point should the setbacks be measured?

- a) From the proposed or existing intensive agricultural use
- b) From the property boundary shared with land used for intensive agriculture
- c) A combination of the above



3.12 Recreational Beekeeping

Recreational beekeeping has grown in popularity in recent years, including in urban and metropolitan areas. It can be an interesting and rewarding hobby with minor impacts if managed appropriately.

While commercial beekeeping is defined as a form of extensive agriculture in the Standard Instrument LEP, recreational beekeeping is not defined. This has led to some confusion regarding whether development approval is needed for the activity.

In NSW, beekeepers who own honey bees for more than 3 months during a 12 month period, are required to hold a biosecurity registration under the *Biosecurity Act 2015*. The biosecurity registration requires information on the location, contact person and number of hives on a property and ensures that the Department of Primary Industries can effectively manage any disease outbreaks.

The proposed amendments will clarify that recreational beekeeping is exempt development and does not need planning approval if it complies with certain standards. These standards are in line with the NSW Beekeeping Code of Practice and are designed to avoid inappropriate development and minimise impacts related to such development.

3.12.1 Proposed amendments

Amendments are proposed to the Codes SEPP to permit recreational beekeeping as exempt development if certain development standards are met. Where the development standards cannot be met a development application would be required.

The development:

- Must not be used for a commercial purpose.
- Must not consist of more than:
 - 2 hives for lots up to 300m²,
 - 4 hives for lots 300m² to 1000m²,
 - 8 hives for lots above 1000m²,
 - no limit for lots in a rural zone.
- Must not contain any hive within 1m of any lot boundary, or within 3m of any boundary adjoining a public reserve, childcare centre, health services facility, educational establishment or community facility.
- Must be located in a rural, residential, or environmental zone.

- If it is in a residential zone, be located in the rear yard.
- If it is located on bush fire prone land, not be within 5m of a dwelling.

Note: Beekeepers must also comply with the requirements of the *Biosecurity Act 2015*, the Australian Honey Bee Industry Biosecurity Code of Practice and the Beekeeping Code of Practice for NSW.

3.12.2 Recreational Beekeeping – Consultation Questions

25. Are the proposed development standards appropriate and are any additional standards needed?

Part 4 – Have your say

This EIE outlines proposed changes to the NSW Planning System to better support farming businesses and rural and regional areas. The department welcomes your feedback during public exhibition.

Your feedback will help us better understand the views of the community, which will then inform the preparation of the proposed changes to the planning framework.

The department will publish all individual submissions and an assessment report on all submissions received, shortly after the exhibition period has ended.

To view the EIE and supporting documents, and to make a submission online, please follow the steps below:

www.planningportal.nsw.gov.au/exhibition

- 1) Read our privacy statement and decide whether to include your personal information in your submission.
- 2) Fill in the online submission form. Your submission can either be typed or uploaded as a PDF and should include:
 - a. the name of the proposal (Agritourism and small-scale agriculture development: Proposed amendments to support farm businesses and regional economies)
 - b. a brief statement on whether you support or object to the proposal
 - c. the reason why you support or object to the proposal.
- 3) Ensure you disclose reportable political donations. Anyone lodging submissions must declare reportable political donations (including donations of \$1,000 or more) made in the previous two years.
- 4) Agree to our online statement and lodge your submission.

You may also lodge your submission via post by sending it to:

Executive Director
Local Government and Economic Policy
Department of Planning, Industry and Environment
Locked Bag 5022, Parramatta NSW 2124

In your submission, you are encouraged to respond to the consultation questions at the end of each proposal. Alternatively, you can respond to these questions via a survey on the department's website www.planning.nsw.gov.au.

All submissions will be made public in line with our objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission.

Call for expressions of interest from local councils

During exhibition of the EIE, councils are asked to consider whether they wish to adopt the new optional clauses for farm stay accommodation and farm gate activities and identify the zones in which they wish to allow the new farm events and farm gate activities. Councils who wish to make these changes to their LEPS are invited to provide an expression of interest and nominate a suitable contact(s) to liaise with the department about implementation.

Following exhibition, the department will work with councils that have submitted an expression of interest to facilitate amendments to their LEPs through an amending State environmental planning policy, saving the time and resources required to progress individual planning proposals.

To find out more, please visit www.planning.nsw.gov.au.

4.1 Consultation Questions

4.1.1 Farm stay accommodation

1. Are the proposed setbacks to pig farms, other intensive livestock, forestry and mines for exempt and complying development appropriate?
2. Where a development application is required, should farm stay accommodation be permitted only on land that benefits from a dwelling entitlement?
3. For complying development, should there be a requirement that a new building or manufactured home for farm stay accommodation be within 300 metres (or some other distance) from the existing dwelling house to enable clustering together of sensitive land uses?
4. Should there be different development standards for farm stay accommodation based on land size or location (such as whether the land is inland or east of Great Dividing Range)? If yes, please provide your suggestions and reasons.

4.1.2 Farm gate activities

5. How far do you think a roadside stall should be setback from the road?
6. What additional standards should be included for the exempt and complying development pathways for farm gate activities, if any?

4.1.3 Farm events

7. The proposed maximum number of people and events per day for exempt and complying development are:
 - a) 52 event days per year and up to 30 guests per event, or
 - b) 10 event days per year and up to 50 guests per eventAre these appropriate?
8. What events, if any, do you think should be excluded from the definition of farm events?
9. Should changes be made to the planning system to facilitate destination weddings under a development application? If so, in which zones should destination weddings be permitted? Please provide reasons for your selection.
 - a) RU1
 - b) RU2
 - c) RU4 zones
 - d) Other zones (please specify)
10. Should the department prepare a model clause for destination weddings which councils can choose to adopt?
11. Is there any rural land or areas in which agritourism activities should not be permitted?

4.1.4 Small scale processing plants

12. Should any other agricultural produce industries be complying development? What standards should apply?
13. Is a maximum throughput of 1,000 carcasses per annum for other animals such as deer or kangaroo appropriate?
14. Should any additional standards be included?

15. Should the locational criteria that classify livestock processing industries as designated development be reviewed for small-scale processing plants to determine whether these plants could be approved:
- a) as complying development?
 - b) through the standard DA process?

4.1.5 Rebuilding of farm infrastructure

16. Will these provisions sufficiently enable the rebuilding of buildings lost to natural disasters in the same location of the same size and form?
17. Should any additional standards be included?

4.1.6 Stock containment areas

18. What type of permanent infrastructure should be permitted for stock containment areas?
19. What type of permanent infrastructure should not be permitted for stock containment areas?

4.1.7 Farm dams

20. How could we simplify planning provisions for farm dams?

4.1.8 Biosecurity for poultry and pig farms

21. Do the proposed provisions adequately provide for biosecurity between poultry farms and pig farms?
22. Should any additional standards be included?

4.1.9 Rural dwelling setbacks from intensive agriculture

23. Should the setbacks for rural dwellings be increased from its current requirement to be 250 metres from the boundary (when done as complying development)?
24. From which point should the setbacks be measured?
- a) From the proposed or existing intensive agricultural use
 - b) From the property boundary shared with land used for intensive agriculture
 - c) A combination of the above

4.1.10 Recreational Beekeeping

25. Are the proposed development standards appropriate and are any additional standards needed?

6.7 March Monthly Investment and Rates Collection Report

File Reference: NA

Delivery Program

Goal: 5. Organisational management

Outcome: 5.1 Corporate management

Strategy: 5.1.1 Financial Management and accountability systems

Author: CFO

STAFF DISCLOSURE OF INTEREST The General Manager has an interest in an attached parcel of land to the subdivision plan mentioned in this report as having the Seal of Council affixed.

IN BRIEF/SUMMARY RECOMMENDATION

At each monthly Ordinary Meeting, the Council is presented with the schedule relating to Investments, as at the end of the previous month.

TABLED ITEMS Nil

BACKGROUND

In accordance with Clause 19(3) of the Local Government (Financial Management) Regulation 1993, the following information provides details of Council's funds invested as at 28th February 2022.

Direct Investments							
Broker	ID	Investment Name	Rating	Type	Next Rollover	Yield	Current Value
NAB	2021.10	NAB	AA	TD	23/04/2022	0.38%	\$1,000,000.00
NAB	2021.2	NAB	AA	TD	23/04/2022	0.38%	\$1,000,000.00
NAB	2021.3	NAB	AA	TD	23/04/2022	0.38%	\$1,000,000.00
Grand Total							\$3,000,000.00
Managed Funds							
Fund	Investment Horizon	Type	3 Mth Avg Yield		Current Value		
Regional Australia Bank	At Call	Cash	See report		\$406,849.48		
Tcorp Cash Fund	At Call	Cash	See report		\$ 8,799,236.44		
Tcorp Medium Term Fund	At Call	Cash	See report		\$ 1,444,196.59		
Grand Total							\$10,650,282.51
Total Investments							
Direct Investments							\$3,000,000.00
Managed Funds							\$10,650,282.51
Grand Total							\$13,650,282.51

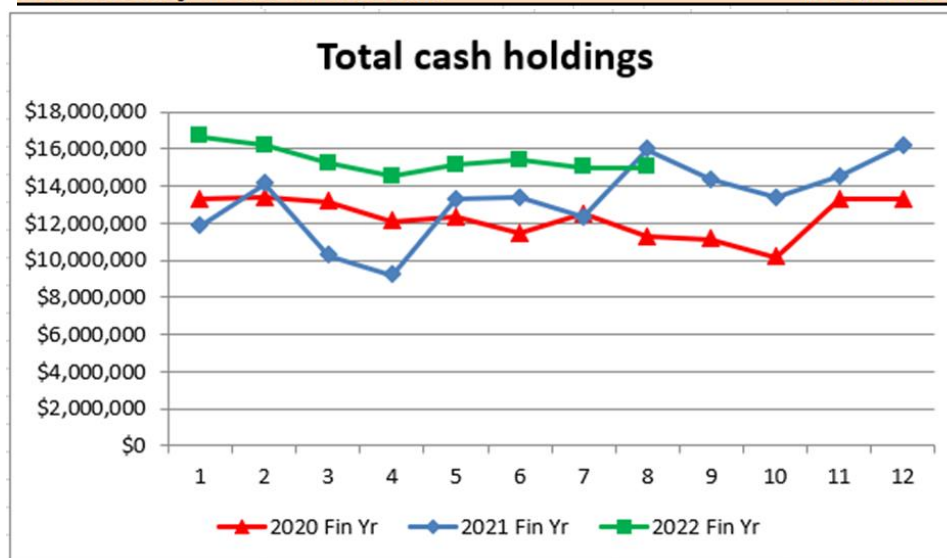
Cash and Investments

Total Investments	
Direct Investments	\$3,000,000.00
Managed Funds	\$10,650,282.51
Grand Total Investments	\$13,650,282.51

Total Cash and Investments	
Investments	\$13,650,282.51
Cash at bank	\$1,754,028.57
Grand Total Cash and Investments	\$15,404,311.08

General Fund Cash	
Total cash and investments	\$15,404,311.08
LESS:	
Water fund*	-\$1,043,237.02
Sewer fund*	-\$2,917,358.25
Waste fund*	-\$4,278,530.35
Other restrictions:	
Employee leave entitlements*	-\$900,000.00
Carry over works in progress*	-\$3,824,250.00
Asset replacement*	-\$850,245.00
Bonds and deposits	-\$1,182,486.12
Developer contributions	-\$200,000.00
Discretionary General Fund Cash	\$208,204.34

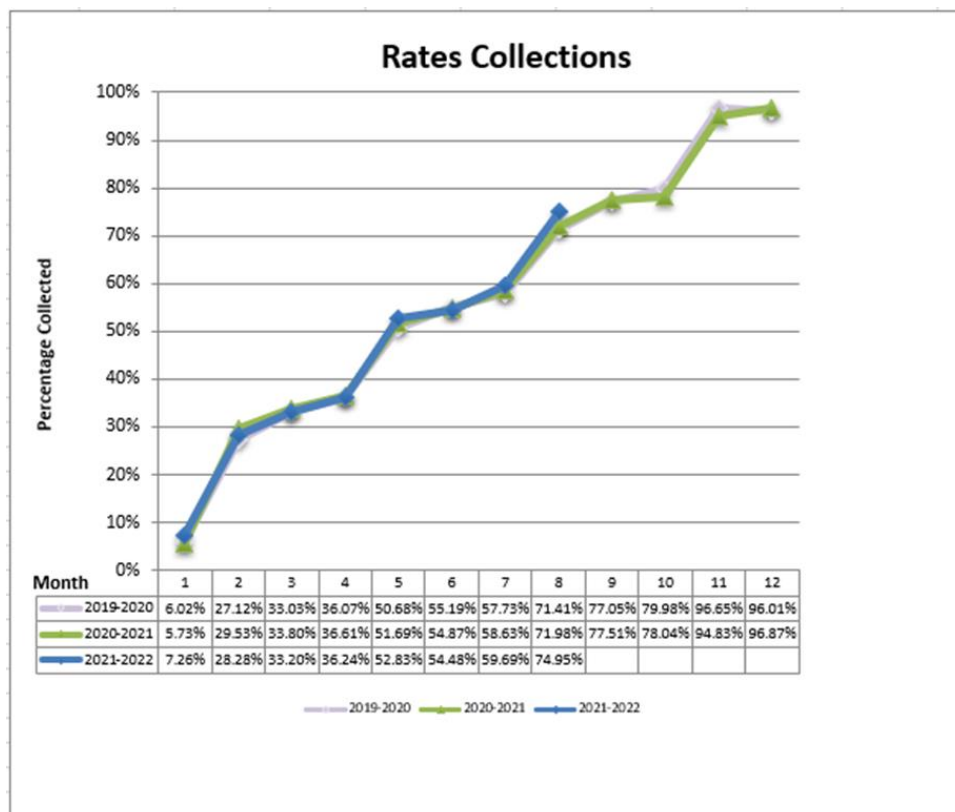
*These figures may change with end of year processing



I, Helen Thomas, CFO and Responsible Accounting Officer for Gwydir Shire Council, certify that the Council’s investments have been made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and Council’s Investment Policy, as amended.

RATES COLLECTIONS

The graph below represents a comparative of the percentage collections for the current year against the two previous rating years. The current years collections are up to 28th February 2022.



The proposed closure and sale of land adjacent to 2 Gwydir Street Bingara had the Seal of Council attached to the relevant documents inline with the resolution 342/19 passed on 24th October 2019.

OFFICER RECOMMENDATION

THAT the February Monthly Investment and Rates Collection report be received.

FURTHER that the affixing of the Seal to subdivision of land is noted.

ATTACHMENTS

Nil

7 COUNCILLORS' REPORTS

8 CLOSURE