



BUSINESS PAPER

**of the
Ordinary Meeting
Held
18 July 2022**

**Our Values: Leadership • Integrity • Progressiveness • Commitment •
Accountability • Adaptability**

The Prayer

We humbly beseech Thee to vouchsafe Thy blessings on this Council.
Direct and prosper our deliberations to the glory and welfare
of the people of this Shire and throughout our country.
Amen

Acknowledgement of Country

Lockhart Shire Council acknowledges the traditional custodians of the land, the Wiradjuri people, and pays respect to Elders past, present and future, and extends the respect to all First Nations Peoples in Lockhart Shire.

Statement of Ethical Obligations

In accordance with Clause 3.21 of the Lockhart Shire Council Code of Meeting Practice councillors are reminded of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

Oath or Affirmation of Office

I will undertake the duties of the office of councillor in the best interests of the people of Lockhart Shire and the Lockhart Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.

Webcasting of Council Meetings

Councillors, officers and visitors in the public gallery are advised that, in accordance with Clause 5.33 of the Lockhart Shire Code of Meeting Practice, the proceedings of Council meetings are recorded, and an audio recording of each Council meeting is made available on the Council's website.

ORDER OF BUSINESS

OPENING WITH A PRAYER

ACKNOWLEDGEMENT OF COUNTRY

WEBCASTING OF COUNCIL MEETING

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REQUESTS FOR LEAVE OF ABSENCE OR ATTENDANCE VIA AUDIO VISUAL LINK

Cr Fran Day – Request to participate in the 15 August 2022 Council Meeting by audio visual link.

Recommendation: that the request from Cr Fran Day to participate in the 15 August 2022 Council Meeting by audio visual link be approved.

MAYORAL MINUTE

Financial Accounting Treatment of Rural Fire Services Mobile Assets – “Red Fleet”

Report

Councillors will recall that at the Council meeting held on 10 January 2022, at which the 2020/21 Financial Statements and Auditor’s Report were presented, attention was drawn to the financial treatment of Rural Fire Service (RFS) assets. In particular concern was expressed that Council does not recognise the RFS red fleet in its financial statements.

Lockhart Shire Council is one of 68 NSW councils that maintain the view that they do not control these RFS assets and have declined to recognise them in their financial statements. The Auditor-General of NSW has put the councils on notice that continuing to maintain this position places the councils at risk of receiving a qualified audit.

I am now calling on Councillors to support the local government campaign on the financial accounting treatment of RFS mobile assets known as the ‘Red Fleet’.

A long-standing dispute over the accounting treatment of the Red Fleet has come to a head with the Auditor-General’s 2021 Report on Local Government on 22 June 2022. The Audit Report reemphasises the State Government determination that RFS assets are the “property” of councils and must be recorded in Council’s financial statements with Council required to therefore absorb all depreciation costs.

The *Audit Office Local Government Report* has reinforced the notion that RFS mobile and other fire-fighting assets can somehow be deemed to be council assets and applies more pressure on councils and the Office of Local Government (OLG) to conform with this determination, even though councils do not have effective management or control of these assets.

Councils across the State and Local Government NSW (LGNSW) refute this determination. Councils do not have any say in the acquisition, deployment, or disposal of these assets. Comparable assets held by Fire & Rescue NSW (FRNSW) and the State Emergency Service (SES) are not vested anywhere other than with the organisations that purchase, use, maintain and dispose of them.

Councils and LGNSW have also raised concerns that the requirement breaches Australian Accounting Standards. The State Government’s own *Local Government Accounting Code of Accounting Practice and Financial Reporting* provides for councils to determine whether to record RFS assets on their books as council assets. This position has been confirmed by the Secretary of the Department of Planning and Environment in his letter to the Auditor-General dated 7 June 2022, presented in Appendix 1 on page 47 of the 2021 Local Government Audit Report.

Council notes advice from LGNSW that many councils are refusing to comply with the Auditor General’s instructions. Councils remained firm in 2021, resisting pressure to record RFS assets with the majority (68), choosing not to record the RFS mobile assets in accordance with the *Local Government Accounting Code*. This was the same number of councils as in 2020. LGNSW is encouraging councils to continue resisting pressure from the Audit Office and make their own determinations notwithstanding overtures that ongoing non-compliance with the Auditor General’s instructions may result in future qualified financial reports.

The latest Audit Report has made further impositions on (Council) by:

- recommending Council undertakes a stocktake of RFS assets and records the value in Council’s financial statements;
- warning that if Council does not recognise the assets, it will be found non-compliant and will have a high risk finding reported; and

- calling on the NSW Department of Planning and Environment (OLG) to intervene where councils do not recognise rural firefighting equipment.

The Government's blanket determination is not only nonsensical, but also inconsistent with the treatment of the comparable assets of other emergency service agencies such as Fire & Rescue NSW (FRNSW) and the State Emergency Service (SES). There is no rational reason for maintaining this anomaly.

LGNSW has been advocating this position on councils' behalf and has written to the NSW Treasurer the Hon. Matt Kean MP, Minister for Emergency Services, the Hon. Steph Cooke MP, Minister for Local Government the Hon. Wendy Tuckerman MP and the Auditor-General, Ms Margaret Crawford to express the local government sector's strong objection to the NSW Government's determination, applied by the Auditor-General, that RFS assets are the property of councils for accounting purposes and amend the *Rural Fires Act 1997*.

LGNSW has advised it will continue its advocacy efforts on councils' behalf and is asking all affected councils in NSW to consider adopting a resolution advising the Audit Office that Council will not carry out the RFS stocktakes on behalf of the NSW Government and will not record RFS assets on Council's financial statements.

Recommendation: That:

- 1) Council writes to the local State Member, Dr Joe McGirr; the Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience, the Hon Stephanie Cook MP; and the Minister for Local Government Wendy Tuckerman MP:
 - a) Expressing Council's objection to the NSW Government's determination on ownership of Rural Fire Service assets;
 - b) Advising of the impact of the Government's position on Council finances of this accounting treatment;
 - c) Informing that Council will not carry out RFS assets stocktakes on behalf of the NSW Government and will not record RFS assets in Lockhart Shire Council's financial statements;
 - d) Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of RFS assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and
 - e) Amending s119 of the *Rural Fires Act 1997* so that the effect is to make it clear that RFS assets are not the property of councils.
- 2) Council writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens' Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
 - f) Advising Members of Lockhart Shire Council's position, including providing copies of correspondence to NSW Government Ministers; and
 - g) Seeking Members' commitments to support NSW Councils' call to amend the *Rural Fires Act 1997* as set out in correspondence.
- 3) Lockhart Shire Council writes to the Auditor General advising that notwithstanding any overtures of future qualified audits, it will not carry out RFS stocktakes on behalf of the NSW Government and will not record RFS assets in Lockhart Shire Council's financial statements, noting that the State Government's own *Local Government Accounting Code of Practice and Financial Reporting* provides for councils to determine whether or not they record the RFS assets as council assets.
- 4) Re-affirms its complete support of and commitment to local RFS brigades noting that Lockhart Shire Council's action is entirely directed towards the NSW Government's nonsensical position that, rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which councils consider to be a cynical financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities.
- 5) That Lockhart Shire Council affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to get clarification finally from the State Government about the accounting treatment of RFS assets

REPORT ON MAYORAL & COUNCILLOR ACTIVITIES

To be presented at the meeting.

URGENT MATTERS

Nil.

NOTICE OF MOTION

Nil.

COMMITTEE REPORTS

Nil.

DELEGATES' REPORTS

1. RIVERINA WATER COUNTY COUNCIL BOARD MEETING HELD 22 JUNE 2022

(GM: 22/7890)

To support the work of its Board members and provide regular information to its constituent councils, Riverina Water distributes a summary of the key reports from its six Board meetings per year.

The aim is to keep constituent councils informed of relevant matters including water usage, development and growth, documents and policies in development, strategies and plans and other major decisions.

The update relating to the Board meeting held on 22 June 2022 has been received and has been distributed separately to Councillors.

2. RIVERINA JOINT ORGANISATION (RIVJO) – 24 JUNE 2022 AT WAGGA WAGGA

I together with the General Manager attended a meeting of RIVJO in Wagga on 24 June 2022. A summary of the main issues addressed is set out below.

- The Member for Wagga Wagga, Dr Joe McGirr MP, addressed the meeting in relation to renewable energy precincts.
- Representations will be made to the Treasurer and the Minister for Local Government to ask that consideration be given for a person with Local Government experience be included as a tribunal member on the Independent Pricing and Regulatory Tribunal (IPART).
- Representations will also be made to the Minister for Emergency Services and the Minister for Local Government for s119 of the Rural Fires Act to be amended to reflect current practice in relation to the purchase, control and sale of firefighting equipment.
- A second workshop will be held on 8 July 2022 to consider the transition from RIVJO and REROC to a single organisation.

3. RIVERINA EASTERN REGIONAL ORGANISATION OF COUNCILS (REROC) – 24 JUNE 2022 AT WAGGA WAGGA

I together with the General Manager attended the REROC Board meeting in Wagga on 24 June 2022. A summary of the main issues addressed is set out below.

- Negotiations are continuing with the new rail contractor, UGL, on road-rail interface agreements.
- A Destination NSW Grant has been secured which will enable the 2023 Waste Conference to be extended by one day. The additional day will include tours around the region to visit resource recovery sties.

- A contractor has been engaged for the collection of waste metal. Lockhart Shire is one of the participating councils in this round with collections due to commence in Wagga Wagga on 4 July and then finishing in Lockhart on 5 September.
- The Recycle Night? Recycle Right! campaign continues across the region and the Kurrajong and Elouera Ads screening on the WIN network until the end of financial year.
- A new composting campaign – “*Food and Green. Keep it Clean*” is being developed with new ads being filmed. A “*Food and Green. Keep it Clean*” website is now live and can be found as part of the REROC Waste Forum website <https://waste.reroc.com.au/fogo>
- A second workshop will be held on 8 July 2022 to consider the transition from RIVJO and REROC to a single organisation. Options being considered include:
 - Option 1a: REROC as an Incorporated Association - staff employed by REROC under Fair Work arrangements with office rented with co-location with another organisation or rented stand-alone.
 - Option 1b: REROC as an Incorporated Association – Staff to be a contracted secretariat with office rented with co-location with another organisation or rented stand-alone.
 - Option 2: Joint Organisation incorporated under the Local Government Act – staff employed under the Local Government Award with office rented with co-location with another organisation or rented stand-alone.
 - Option 3: REROC as an Incorporated Association and JO run separately - REROC staff to be a contracted secretariat or employed by REROC under Fair Work and JO staff to be employed under the LG Award with office to be rented with co-location with another organisation or rented stand-alone.

Cr G Verdon
Delegate

Recommendation: that the Delegates’ Reports be received and noted.

STATUS REPORT/PRÉCIS OF CORRESPONDENCE ISSUED

Status Report: Council Resolutions and Tasks to be finalised

Minute No:	Officer to Action	Council Resolution	Action Taken
Extraordinary Council Meeting held 27 June 2022			
127/22	DCCS	<p>Draft Operational Plan Budget 2022/23, Draft Delivery Program Estimates 2023/24 – 2025/26 and Fees & Charges 2022-2023</p> <ol style="list-style-type: none"> 1. Council note and consider any public submissions made in respect to the Draft Operational Plan Budget 2022/23 and Draft Delivery Plan Estimates 2023/24 to 2025/26. 2. The Draft Delivery Program 2023/2025 incorporating Budget Estimates 2023/24 to 2025/26 for income and expenditure for Council's General Fund and Sewer Fund and the Draft Revenue Policy, as attached, be adopted. 3. Pursuant to the provisions of the Local Government (Financial Management) Regulation 1993, expenditure required to finance works, services and activities of the Council for the financial year 2022/2023 as detailed in Part 1 Budget Estimates section of the Council's Operational Plan Budget 2022/2023 and Delivery Program Budget 2024/2026 be approved and voted accordingly. 4. Council, pursuant to section 535 of the Local Government Act 1993, hereby makes the Ordinary Rates for the rating period 1 July 2022 to 30 June 2023: 5. the Draft Fees and Charges 2022/2023 be adopted, as publicly exhibited, subject to the Lockhart Caravan Park fees remaining unchanged from the 2021/22 financial year. 6. the Long Term Financial Plan 2022/23 to 2031/32 be adopted. 7. In accordance with section 566(3) of the Local Government Act 1993, it has been determined that the maximum rate of interest payable on overdue rates and charges for the period 1 July 2022 to 30 June 2023 (inclusive) will be 6.0% per annum. 	<p>2022/23 Operational Plan and Budget, 2022/23 Fees and Charges and 2023/2032 Long Term Financial Plan uploaded to Council website.</p> <p>Completed.</p>

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Ordinary Meeting – 18 July 2022

Minute No:	Officer to Action	Council Resolution	Action Taken
126/22	GM	<p>Review of Code of Meeting Practice</p> <p>1. That the draft revised Lockhart Shire Council Code of Meeting Practice, as publicly exhibited, be adopted, subject to changing the heading of Standing Agenda Item 7 to “Report on Mayoral and Councillor Activities”.</p> <p>2. That an Acknowledgement of Country be included in the general order of business for an ordinary meeting of the Council in the following form:</p> <p><i>“Lockhart Shire Council acknowledges the traditional custodians of the land, the Wiradjuri people, and pays respect to Elders past, present and future, and extends the respect to all First Nations Peoples in Lockhart Shire.”</i></p>	<p>Code of Meeting Practice uploaded to Council's website.</p> <p>The format of the Council Business Paper has been revised to incorporate the adopted changes.</p> <p>Complete.</p>
125/22	GM	<p>Local Roads & Community Infrastructure Grants Program – Phase 3</p> <p>Council nominates the following projects for funding under Phase 3 of the LRCI Program:</p> <p>\$144,000 Upgrade Lighting at Lockhart, Osborne and The Rock Recreation Grounds' main ovals</p> <p>\$10,000 Public Display of Chaff Cart – Yerong Creek</p> <p>\$80,000 CCTV Cameras at Lockhart, Osborne, The Rock, and Yerong Creek Recreation Grounds and Main streets in Lockhart and The Rock</p> <p>\$20,000 Improved lighting – CBD to Lockhart Caravan Park</p> <p>\$30,000 Christmas Lighting for towns in the Shire</p> <p>\$80,000 Implementation of Council's energy savings plan, noting a contribution may also be required from Council's existing budget.</p>	<p>Project Nomination form incorporating the nominated projects has been submitted to the funding body and awaiting approval.</p> <p>Completed.</p>
Ordinary Council Meeting held 20 June 2022			
123/22	GM	<p>Fees Payable to the Mayor & Councillors FY23</p> <p>That the midpoint payment be maintained plus 2% for Councillors and the maximum for the Mayor.</p>	<p>Council's Accounts Payable Officer has been advised of the new fees and authorised to apply them from 1 July 2022.</p> <p>Completed.</p>

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Minute No:	Officer to Action	Council Resolution	Action Taken
121/22	GM	<p>Preparation of Plans of Management – Council-managed Crown Land and Council-owned “Community” Land</p> <p>1. Place the <i>Draft Lockhart Shire Council Plan of Management for Crown Land managed by Council and Council-owned land classified as ‘community’</i> on public exhibition.</p> <p>2. Hold a public hearing in accordance with section 40A of the Local Government Act in relation to the proposed change in categorisation.</p>	Public notice of the public exhibition of the Draft PoM to be given in the Daily Advertiser on 23 July 2022 and in the July Council Newsletter with submissions closing on 12 September 2022.
117/22	GM	<p>Request for Financial Assistance</p> <p>An accordance with section 356 of the Local Government Act 1993, Council make a \$200 contribution to the Southern Sports Academy.</p>	The donation has been paid to the recipient organisation. Completed.
116/22	GM	<p>Riverina Regional Library – Deed of Agreement 2022-2026</p> <p>Authority be granted for the Riverina Regional Library 2022-2026 Deed of Agreement be executed under Council’s seal.</p>	Awaiting receipt of the original Deed for execution. The document is currently being circulated amongst member councils.
Ordinary Council Meeting held 16 May 2022			
109/22	GM	<p>Tender – 109 Green Street</p> <p>Council declines to accept the tender received from ASCO Group (Aust) Pty Ltd for the provision of public toilets at 109 Green Street Lockhart and seek separate quotations for the individual components of the project for the following reasons:</p> <p>a) Seeking separate quotations and being able to negotiate with different contractors for the different components of the project will provide more flexibility in seeking the most cost-effective solution bearing in mind that the funding approved under Round 4 of the Stronger Country Community Fund is less than the amount for which Council applied.</p> <p>b) Accepting the one tender that has been received for the public toilets without a contract in place for the community space component of the project will prove problematic as the community space and landscaping is critical to providing access to the public toilets.</p>	<p>Unsuccessful tenderer notified of Council's decision.</p> <p>Local builder engaged for the public toilets and Individual quotations currently being sought for the landscaping component.</p>
93/22	GM	<p>Local Roads & Community Infrastructure Grants Program</p> <p>A Workshop be convened at 4.00pm on Monday 27 June 2022 to allocate the remaining balance of LRCI Phase 3 funding totalling \$305,000.</p>	Workshop held on 27 June 2022. Completed.

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Minute No:	Officer to Action	Council Resolution	Action Taken
92/22	GM/ TEDO	Reconnecting Regional NSW – Community Events Program Council submits an application under the Reconnecting Regional NSW – Community Events Program subject to consultation with local event organisers.	Application currently being prepared based on responses received from event organisers.
Ordinary Council Meeting held 21 March 2022			
60/22	DEES/ DCCS	Local Environmental Plan Review Council: 1. Notes the information provided in the report regarding the review of the Lockhart Local Environmental Plan; and 2. allocates \$62,000 (excluding GST) in its 2022/23 (\$42,000) and 2023/24 (\$20,000) budgets to complete the review of the Lockhart Local Environmental Plan.	1) Complete. 2) Funding incorporated into the 2022/23 Budget adopted on 27/06/2022. Completed.
59/22	DEES	Review of Road Classification That Council: 1. establishes a Road Classification Working Group to oversee a review of road classifications in the Shire; and 2. nominates the following Councillors to participate in the Working Group A Ward Cr Rockliff B Ward Cr Sharp C Ward Cr Verdon	Road classification review was deferred pending appointment of Director Engineering and Environmental Services. Inaugural meeting of the Working Group to be convened shortly.
56/22	GM	Development of Lockhart Industrial Estate Council prepares a subdivision application for the development of Stage 3 of the Lockhart Industrial Estate.	Request for Quote being prepared.
48/22	GM	Public Access – Plums Lane, The Rock Council agrees to maintain public access along the north/south section of Plums Lane at The Rock as the current laneway is not on the correct alignment and the adjoining landowner has blocked public access and that Council staff investigate the options for formation of a public road in the correct location.	A previously commissioned land survey held on file confirms that the existing formed track is situated on the adjoining private property. The corridor which is dedicated as public road is heavily treed with a significant amount of vegetation on it and therefore the formation of an all-weather access track on it will require significant expenditure.

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Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 21 February 2022			
33/22	DEES	<p>Flood Mitigation Review – The Rock and Yerong Creek</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Notes the information provided in this report. 2. Allocates \$65,000 from Council Reserves for the purchase of a mobile water pump and hoses. 3. Awaits the outcome of works to be undertaken by Transport for NSW to clear the table drains along the Olympic Highway before determining whether additional works are required to be funded by Council. 4. Applies to the next round of Floodplain Management grants (2022/23) to revise the Floodplain Risk Management Studies and Plan for The Rock. 5. Applies to the next round of Floodplain Management grants (2022/23) to undertake a Floodplain Risk Management Study and Plan for Yerong Creek. 6. Notes that a final report will not be available until after funding opportunities are finalised. 	<ol style="list-style-type: none"> 1. Noted – complete. 2. Pumps have been ordered, delivery has been delayed. Hoses have been received. 3. Table drains cleaned – final section to be completed. 4. Application lodged – complete. 5. Application lodged – complete. 6. Noted – complete.
23/22	DCCS	<p>Lockhart – Out of School Hours Care Service</p> <p>Further investigation of out-of-school-hours care requirements in Lockhart be undertaken.</p>	<p>Provider indicated current demand is not sufficient for a before & after school care program to be viable with the additional staff and programming required.</p> <p>Survey circulated during week commencing 20/06/2022.</p>
Ordinary Council Meeting held 18 October 2021			
180/21	TEDO	<p>Committee Minutes – TEDSC held 5 October 2021</p> <p>Minutes of the Tourism and Economic Development Steering Committee held on 5 October 2021 be received and the recommendations contained therein be adopted with the exception that an information board be erected at Lockhart Caravan Park.</p>	<p>Information board at Caravan Park to be included in list of locations yet to be scoped.</p> <p>New maps and signs are being progressed.</p>
Ordinary Council Meeting held 20 September 2021			
174/21	GM	<p>Potential Property Acquisition for Community Development at The Rock</p> <p>Council authorises the General Manager to submit an offer for the purchase of Lot 2 Sec 17 DP758971 based on the independent valuation received by Council.</p>	<p>Refer separate report to Council (agenda item 11).</p>

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Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 16 August 2021			
148/21	GM	<p>Proposed “Tim Fischer Way”</p> <p>Council to reinstate investigations into the erection of tourism signage indicating “Tim Fischer Way”.</p>	<p>Submission made to the Tourism Attractions Signs Assessment Committee.</p> <p>Plan to incorporate “Tim Fischer Way” touring route on new Visit Lockhart Shire website.</p> <p>New website now live. Functionality to facilitate “Tim Fischer Way” touring route being developed.</p>
Ordinary Council Meeting held 19 April 2021			
63/21	GM	<p>Residential Development – Lockhart</p> <p>1) That Council proceed with the subdivision of Lots 62 and 90 Prichard Place Lockhart as outlined in the report.</p> <p>2) That the cost of subdividing the land be funded from the Infrastructure Reserve with the proceeds of any land sales to be returned to the Reserve.</p>	<p>The development application for Lot 62 (westernmost lot) has been approved. The application for Lot 90 is still being processed.</p>
Ordinary Council Meeting held 15 February 2021			
9/21	DCCS	<p>The Lockhart Recreation Ground Management Committee – Request for Financial Assistance</p> <p>Approve an interest-free loan to the Lockhart Recreation Ground Management Committee of up to \$70,000 with repayments being Year 1 \$4,200 and the remaining 14 years will be repayments of \$4,700 to support an application to Building Better Regions Fund – Infrastructure Projects Stream – Round Five.</p>	<p>This resolution will be actioned if the application to the Building Better Regions Fund – Infrastructure Projects Stream – Round Five is successful.</p> <p>The Lockhart Football Netball Club have been advised the grant application has been successful. A report will be provided at a future Council meeting.</p>
6/21	DEES	<p>Recreational Vehicles (RV’s) and Caravan Parking in Lockhart CBD</p> <p>Council to investigate and implement RV and Caravan Parking in locations in Green Street (Plan 3 and Plan 6 of the Lockhart Business Centre Master Plan) as well as Urana Street and Matthews Street, Lockhart, including an education program, as recommended by Council’s Tourism and Economic Development Steering Committee.</p>	<p>Investigation completed. Dedicated RV parking locations in Green/Urana Street near museum completed.</p> <p>Dedicated RV parking near Shire Administration not supported (limited car parking, mobile library, NSW Government Mobile Services). Single parking space in Matthews Street supported. Implementation subject to funding.</p> <p>Referred to LRCI Phase 3 Workshop held on 27 June 2022 – no funding allocated.</p> <p>Transferred to “Wish List” for consideration at future grants Workshop. Completed.</p>

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Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 20 July 2020			
133/20	DEES	Naming of Bridges – Brookong Creek and Urana Lockhart Road <ol style="list-style-type: none"> 1. Propose the bridge on Urana Lockhart Road be named Brookong Creek Bridge. 2. Propose the culvert over Brookong Creek in Green Street, Lockhart, be named Greens Gonyah Bridge, Brookong Creek. 3. Write to Transport for NSW advising of the proposed names for the bridge on Urana Lockhart Road and the new culvert over Brookong Creek, Lockhart. 	<p>Written to TfNSW advising of the proposed bridge and culverts names.</p> <p>Received response from TfNSW requesting further information. Wrote to NSW Aboriginal Land Council re proposed names. DEES also contacted TfNSW liaison officer on several occasions.</p> <p>Last correspondence on 14 March 2022. Awaiting response.</p>
Ordinary Council Meeting held 20 April 2020			
70/20	GM	Review of Operational Land Council adopts the following actions in relation to the review of land classified as “operational land”: <ul style="list-style-type: none"> • Approach the adjoining owner of the land situated at 2410 Albury Road, Urangeline regarding potential sale or transfer of the land. 	<p>Contact has been made with the adjoining landowner and information provided regarding the Council owned land in anticipation of further discussions.</p> <p>The landowner is liaising with their solicitor.</p>
Ordinary Council Meeting held 20 June 2022 – Councillor Questions & Statements			
Questions & Statements	GM	Cr Marston – Welcome to Country Suggested changes to the wording of the proposed Acknowledgment of Country.	<p>Wording adopted at the Extraordinary Council meeting held on 27 June 2022.</p> <p>Completed.</p>
	GM/ DCCS	Cr Day – Voluntary Purchase Scheme Enquired about delays in VP Scheme and rates levied during that time on behalf of an affected resident.	<p>Response provided by General Manager.</p> <p>Completed.</p>
	GM/ DEES	Cr Sharp – Osborne Pleasant Hills Road Noted that maintenance grading is scheduled to take place from 28 June 2022. Cr Sharp advised that a large pothole near the intersection of Lallarook Lane will need greater attention, including additional gravel.	<p>Minor pavement repairs to be completed.</p>
	GM/ DEES	Cr Sharp – Jim Willis Lane Referred to a previous request for a road sign at the end of this road and further advised the resident has requested gravel at the end of the lane as access has become very difficult in a normal passenger vehicle.	<p>Signage installed.</p> <p>Road scheduled in mid August.</p>
	DCCS	Cr Hunter – Yerong Creek Bowling Club Advised the Bowling Club are still awaiting receipt of an Occupation Certificate for the building.	<p>Proposed to engage an accredited certifier for Class 2-9 buildings to review and identify outstanding works to be completed for the issue of an Occupation Certificate.</p>
	DCCS	Cr Walker – Electricity Bills, The Rock Showground Could the committee have some assistance in working out a split for the bill.	<p>Electricity Bills have been received and currently being analysed.</p>

*Lockhart Shire Council
Ordinary Meeting – 18 July 2022*

Minute No:	Officer to Action	Council Resolution	Action Taken
	GM	<p>Cr Verdon – The Kings Own Hotel</p> <p>Advised he is receiving continual complaints regarding the stalled works at this property. Asked if a meeting could be arranged with the owners to ascertain their plans for the site and asked if a clean-up order could be issued.</p>	A Notice of Intention to Serve an Order has been issued requiring certain clean up works and maintenance works to make the building vandal proof.
	GM/ DEES	<p>Cr Verdon – Tree, John St The Rock</p> <p>Advised he has received a complaint about a tree which has been pruned by Essential Energy and is now growing in a way which is causing the resident issues.</p>	Claret Ash at 15 John St, The Rock was the only tree that fit the description. A fungal disease, Ash Dieback was discovered during assessment. Tree is not high risk but there is no cure other than removal of affected limbs to prevent further infection, causing further disfigurement in this case. Removal recommended.
Ordinary Council Meeting held 16 May 2022 – Councillor Questions & Statements			
Questions & Statements	GM	<p>Cr Day: Heavy Vehicle Access, Green Street</p> <p>Has received comments from residents expressing concern about the number of heavy vehicles still accessing Green Street and asked what more could be done to deter B-Double operators from using Green Street.</p>	<p>The Mayor raised the issue at the Police & Community Consultation Group meeting held on 24 May 2022 (refer Delegates Report).</p> <p>Cr Sharp advised that further directional signage is required on Spanish Avenue to direct vehicles to Flood Detour Road.</p> <p>Signs have been ordered, should be received and erected soon.</p>
	DCCS	<p>Cr Driscoll: Picket Fence, The Rock Rec Ground</p> <p>Requested an update on the progress of the replacement of the picket fence at The Rock Recreation Ground.</p>	Contractor commenced work week of 11 July 2022.
	GM/ DEES	<p>Cr Driscoll: Yerong Street, The Rock</p> <p>Enquired as to when Yerong Street is likely to be reopened as any works in this area appear to be complete.</p>	A schedule of works to be completed with estimated timeframes has been provided by the contractor. The project is now scheduled to be completed by 22/07/2022.
	GM/ DEES	<p>Cr Mathews: Footpath Strategy</p> <p>Asked if Council has a footpath strategy document as location of footpaths in Lockhart township seems to be haphazard, with some blocks having paths on both sides, some only have one and some having none at all.</p>	<p>Council does not have a formal footpath strategy or forward program.</p> <p>The most recent consideration of priorities was made in February and March 2020 when Council adopted a program for upgrading footpaths at Lockhart and The Rock with funds provided at the time under the Drought Communities Programme Extension.</p>
	GM	<p>Cr Sharp: Ryans Lane</p> <p>Drew attention to this road, which is terrible condition, and requires some maintenance.</p>	<p>Ryans Lane – works complete.</p> <p>Ryan Stock Route – works began July 2022 (refer Works Program-June 2022)</p>

Lockhart Shire Council
Ordinary Meeting – 18 July 2022

Minute No:	Officer to Action	Council Resolution	Action Taken
	GM	<p>Cr Sharp: Signpost, Ryans Ln/Albury Rd Intersection</p> <p>Reported the road signs at this intersection are faded and unreadable on the southern side and asked that they be replaced. The poor readability recently caused problems for visitors to Osborne Recreation Ground.</p>	New signs installed – Completed.
	GM	<p>Cr Rockliff: Streetsweeper</p> <p>Asked for an update on the purchase of a streetsweeper suitable for use on the pavers.</p>	Council to resource – Manager of Works to speak with Workshop Supervisor, to source pricing for a smaller streetsweeper than what Greater Hume used.
	DCCS	<p>Cr Verdon: Public Showers, The Rock Rec Ground</p> <p>Advised the public showers at The Rock Recreation Ground are continually leaking, with campers reporting they are unable to turn off the taps completely, asked if all the washers could be replaced.</p>	Plumber to inspect and fix.
Ordinary Council Meeting held 19 April 2022 – Councillor Questions & Statements			
Question & Statements	DEES (GM)	<p>Cr Rockliff: Tree, Galore Street</p> <p>Referred to an email received by Council regarding a tree near 58 Galore Street, which appears to be eaten out at the bottom and could be dangerous. Cr Rockliff asked for an update on this matter.</p>	<p>Tree assessment has been completed in accordance with Australian Standards and landowner advised of the outcome.</p> <p>Tree assessment to be reviewed.</p>
	GM	<p>Cr Hunter: Connectivity</p> <p>Asked if there were any outcomes from the recent meeting with the Regional General Manager of Telstra.</p>	<p>Council currently collating information on blackspots and connectivity issues across the Shire to provide to the NSW Telco Authority.</p> <p>A survey for this purpose has been distributed to Shire residents and also made available on Council's website.</p>
	DEES (GM)	<p>Cr Driscoll: German Church Road "Davidsons Hill"</p> <p>Referred to the road being too narrow for heavy vehicles and the hill providing poor visibility. Cr Driscoll asked if something can be done on 500m of road in Lockhart Shire to where it meets the Wagga City Council boundary.</p>	Cost estimate to be prepared.
	GM	<p>Cr Driscoll: Pump Track</p> <p>Advised that The Rock Progress Association would be very interested in the installation of a permanent "pump" cycling track at The Rock.</p>	<p>Referred to LRCI Phase 3 Workshop held on 27 June 2022 – no funding allocated.</p> <p>Transferred to "Wish List" for consideration at future grants Workshop. Completed.</p>
	GM	<p>Cr Day: Christmas</p> <p>Would like Council to consider Christmas lights in the main streets across the Shire, to bring back some positivity post-Covid.</p>	Referred to LRCI Phase 3 Workshop held on 27 June 2022. Funding allocated by Council. Project nomination form has been submitted to the funding body and waiting approval.

Lockhart Shire Council
Ordinary Meeting – 18 July 2022

Minute No:	Officer to Action	Council Resolution	Action Taken
	GM	Cr Marston: Lighting, The Rock Recreation Ground Asked that replacement of the lights be considered for any unspent LRCI funds.	Referred to LRCI Phase 3 Workshop held on 27 June 2022. Funding allocated by Council. Project nomination form has been submitted to the funding body and waiting approval.
	DEES	Cr Verdon: Pedestrian Crossing Brought attention to the section of Urana Street at the post office, where heavy vehicles are causing major “shoves” impeding the travel of mobility scooters.	A works request has been submitted and the matter is being attended to.
	DEES	Cr Verdon: The Rock Collingullie Road Advised a number of potholes have formed between The Rock and Humphrys Lane, in the area where widening has occurred.	Works completed.
	DEES	Cr Verdon: Roads Budget Asked that Council considers a widening project near “Ryans Hill” on The Rock Collingullie Road.	Cost estimate to be prepared.
	GM	Cr Verdon: Amendment to Code of Meeting Practice Asked that, in line with most councils, this Council considers introducing an Acknowledgement of Country to its meeting practice.	A revised Code of Meeting Practice incorporating an Acknowledgement of Country was adopted at the Extraordinary Council meeting held on 22/07/2022. Completed.
Ordinary Council Meeting held 21 March 2022 – Councillor Questions & Statements			
Questions & Statements	GM	Cr Sharp: Jim Willis North Road Has received a request from a landowner for a “No Through Road Sign” at the junction of Jim Willis North Road and Willis Lane. Because of works done on the landowner’s property it is unclear where the public road ends and the owner’s driveway begins.	Sign installed. Completed.
	MP&B	Cr Mathews: Bluebird Café Expressed concerns regarding the Bluebird Café, which has been closed for some time. Referred to the bird droppings at the front of the building and the possibility of harbourage of vermin inside the building, being a health and safety issue.	A notice of intention to serve an order was issued to the property owner. The property owner has now consented to the installation of bird netting, and this will be done in the coming weeks together with the other remaining shop fronts in Green Street.
Ordinary Council Meeting held 21 February 2022 – Councillor Questions & Statements			
Questions & Statements	DEES	Cr Walker: Bulloc Hill Road Asked for an update on progress of negotiations with Wagga City Council for the works done inadvertently in WWCC area.	Wagga City Council’s Director Infrastructure Services (DIS) advised that their General Manager is supportive of reimbursing costs. DIS to validate work.

*Lockhart Shire Council
Ordinary Meeting – 18 July 2022*

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 10 January 2022 – Councillor Questions & Statements			
Questions & Statements	DCCS	<p>Cr Driscoll: Technology</p> <p>Referred to the address via Zoom by Council's auditor and asked if the equipment in the Council chamber could be upgraded to allow better connectivity for online participation in Council meetings.</p>	<p>Upgrade currently being investigated as the projectors, which were installed during construction of the building, are now 10 years old and outdated.</p> <p>Contact has been made with a Leeton-based company and an on-site meeting is being scheduled.</p> <p>Funds allocated in the 2022/23 Operational Plan Budget.</p>
	DEES	<p>Cr Driscoll: Urana Street Median</p> <p>Enquired whether it was possible to reclassify the median strip in the road reserve of Urana Street at The Rock as recreation space so the road does not need to be closed for events such as markets.</p>	<p>Options will be investigated, an LEP review is soon to be undertaken which may assist in the process.</p>
Ordinary Council Meeting held 18 October 2021 – Councillor Questions & Statements			
Questions & Statements	DEES	<p>Cr Rockliff: Bridge on Green Street</p> <p>Noted that cumbungi and poplars are growing and becoming a bush fire concern.</p>	<p>Poplars and other introduced species in Brookong Creek have been earmarked for removal when budget and resources allow; with current staffing and workload it may be necessary to engage a contractor. The spillways are being cleared when water levels allow.</p> <p>No permit is required for further works within the creek bed.</p> <p>Requests for quotes to remove the poplar and other non-native species on the eastern bank from the pedestrian bridge to the roadhouse have been sent out. Quote accepted, work has commenced.</p>
	DEES	<p>Cr Marston: Sign, The Rock Recreation Ground</p> <p>Referred to an information sign at the recreation ground which has information on both sides but can only be read from the footpath because of access issues, asked if the sign could be relocated nearer to the playground to allow both sides to be viewed.</p>	<p>A new site has been decided. Relocation works are programmed.</p>
Ordinary Council Meeting held 21 June 2021 – Councillor Questions & Statements			
Questions & Statements	DEES	<p>Cr Driscoll: Community Reflection Space</p> <p>Asked if it was possible the park across the road from The Rock Central School could be utilised as a place of quiet reflection for the town, particularly for those suffering the loss of loved ones due to suicide, which has had an impact on the community in recent years.</p>	<p>Park deemed appropriate for reflection space. Proponent to present proposal to Council for consideration.</p> <p>Cr Driscoll met with the General Manager and Manager Parks & Facilities to progress the project.</p>

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 15 February 2021 – Councillor Questions & Statements			
Questions & Statements	DEES	<p>Cr Driscoll – Natural Gas</p> <p>Referred to the natural gas pipeline which runs just outside The Rock township. Mentioned previous investigations which found that connection of the town was unfeasible. Asked if investigations could take place to see if the recent growth of the town might make that connection viable, and that Council pursue any opportunities that may assist in making it a feasible project.</p>	<p>Contact has been made with APA (pipeline owner) and Gemena (responsible for connection). The current network is 4km out of The Rock, crossing The Rock Mangoplah Road. Both APA and Gemena indicated that they have no current plans to extend the line. However, further enquiries are being made with Gemena.</p> <p>The issue has also been identified for inclusion in an MoU with a tenderer for the Inland Rail project.</p>

Correspondence Sent to Councillors

Date sent to Councillors	From	Subject
30 June 2022	General Manager	Forwarding Disclosure Fact Sheets received from NSW Electoral Commission.
1 July 2022	Executive Assistant	Forwarding ALGA news dated 1 July 2022.
5 July 2022	General Manager	Information regarding Riverina Regional Library operations.
6 July 2022	General Manager	Further update regarding Riverina Regional Library (RRL).
6 July 2022	General Manager	Providing copy of RRL's legal representations to the State Library.
7 July 2022	Mayor (via Exec Asst)	Mayoral update.

Recommendation: That the Status Report and Correspondence Précis be received.

STAFF REPORTS

STRATEGIC DIRECTION A: A Connected and Resilient Community

1. REQUEST FOR FINANCIAL ASSISTANCE – EXPLORERS RIFLE CLUB

(GM: 22/8346)

Executive Summary

A request for financial assistance has been received from the Lockhart based Explorers Rifle Club.

Report

The Explorers Rifle Club has written to advise that its 2022 Annual Prize Meeting is scheduled for the 27th and 28th August and the continuing wet weather has meant that the range has not been able to dry out properly and the internal access road is in a poor state (refer attached photographs). The Club is seeking Council support by grading the internal access road and other minor works.

The rifle range is situated on Crown land that is not managed by Council. The Club holds a lease over the land from Local Land Services. Works on private land or other land not owned or managed by Council is generally carried out in accordance with Council's Private Works Policy and charged accordingly. However, pursuant to section 356 of the Local Government Act Council may by resolution provide financial assistance to persons for the purpose of exercising its functions.

The estimated cost of the works is \$6,200.00.

The Club's annual prize meeting has proven to be one of the more popular shooting events in NSW Country regions attracting over 60 shooters from within the Riverina, Northern Victoria & other parts of NSW. As the Club is a not-for-profit organisation and the event generates considerable economic activity it is recommended that Council agree to the request.

Integrated Planning and Reporting Reference

- A1: Facilitate and support our community to deliver vibrant and dynamic community events.
- A1: Build capacity, capability and partnerships to encourage sustainable community groups and clubs.
- A1: Provide support and advice to community groups, clubs and volunteers.

Legislative Policy & Planning Implications

Pursuant to Section 356 of the Local Government Act Council may, in accordance with a resolution of the Council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

Budget & Financial Aspects

Council's 2022/23 Budget includes an allocation of \$52,000 for financial assistance granted pursuant to Section 356 of the Local Government Act.

Attachments

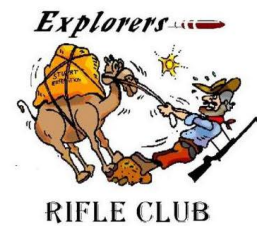
- Request from Explorers Rifle Club dated 6 June 2022.

Recommendation: That Council carry out grading of the internal access road and other minor works at the Explorers Rifle Club with the cost of the works to be funded from the 2022/23 budget allocation for Section 356 contributions.

Item 1: Attachment – Request from Explorers Rifle Club dated 6 June 2022

Explorers Rifles Club Inc.

ABN 77 531 601 605 Club Approval No 405652568
Lockhart Rifle Range – Flood Detour Rd, Lockhart
PO Box 323
Wagga Wagga NSW 2650



6th June 2022

Peter Veneris
General Manager
Lockhart Shire Council
PO Box 21
Lockhart NSW 2656

Subject: Explorers Rifle Club – Range Road

Dear Peter,

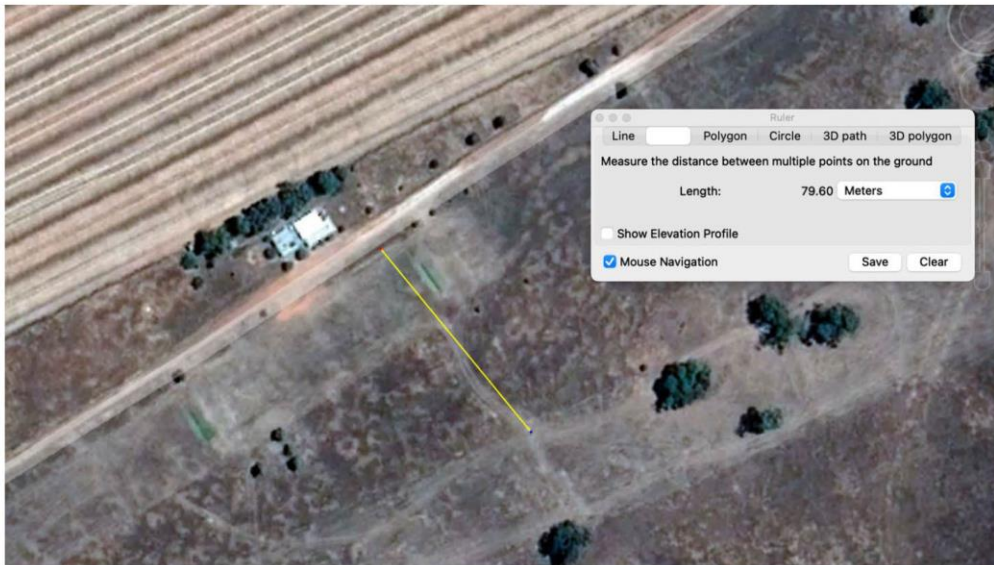
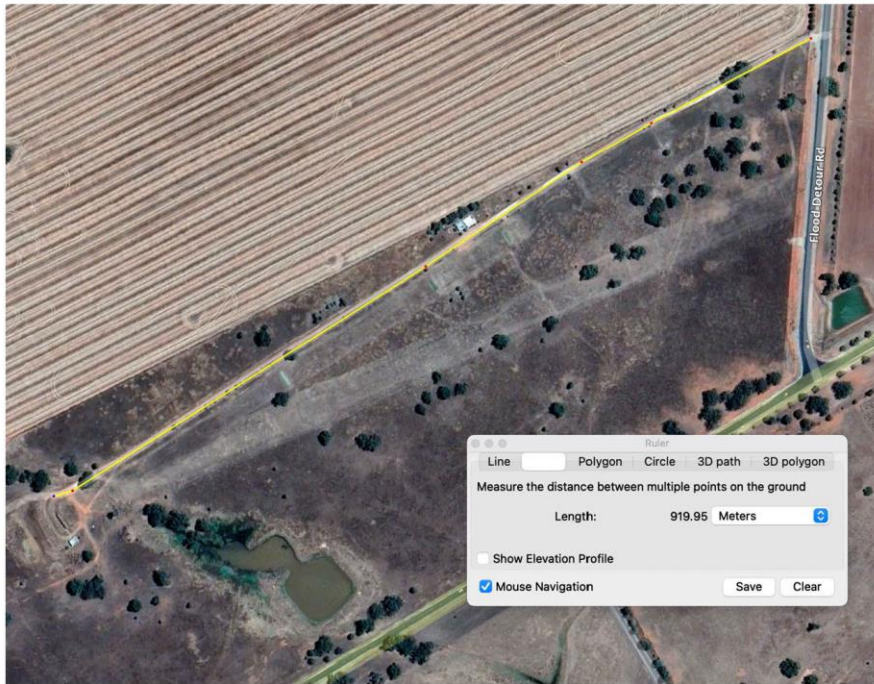
Thank you for yours and Councils continued support of our club. The club is continuing to grow, and this is no small part due to Councils assistance.

Our 2022 Annual Prize Meeting is scheduled for the 27th and 28th August and the continuing wet weather is a concern. The range has not been able to dry out properly and our internal access road is in a poor state.

We are wondering if Lockhart Shire Council may be able to help us in some way by grading the road and improving table drains. We would be grateful for any assistance Council could offer. Even if it was a grader for a day to tidy up and improve drainage around the clubhouse. Please see the photo below and further attached from last weekend.



The road from the front gate to the Target gallery is approximately 920 metres.
It would be also advantageous to have an all weather road across the range to our 500 Yard mound. Approximately 80m. I have attached aerial pictures with lengths of these two areas.

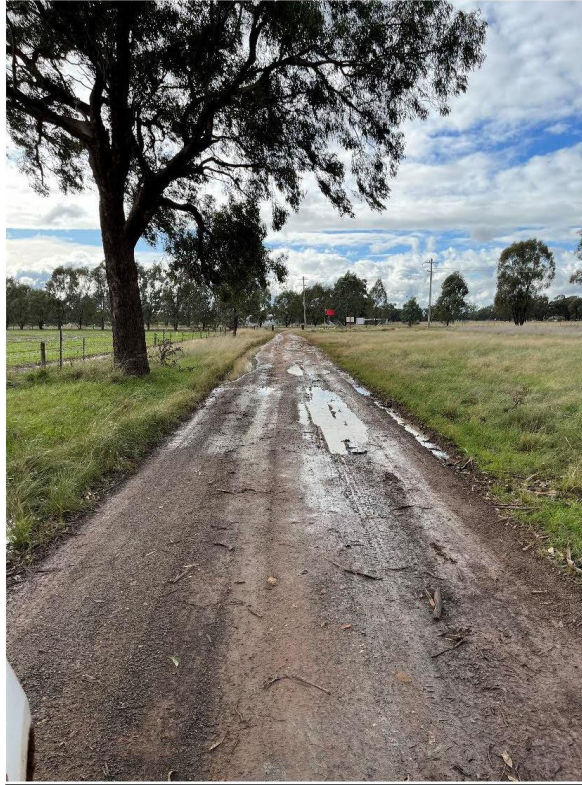


We would appreciate very much any assistance you can offer.

Regards

Scott Brindley
Captain
Explorers Rifle Club
0419 228099

Appendix – further Photos



Towards front gate



Towards front gate from Club House



Club House



Opposite Club House – where road to
500Y mound would go



Looking from Clubhouse towards targets



Road to Targets



Road to Targets - Creek

STRATEGIC DIRECTION B: A Dynamic and Prosperous Economy

STRATEGIC DIRECTION C: An Environment that is Respected and Protected

2. LOCAL ENVIRONMENTAL PLAN REVIEW

(GM: 22/8346)

Executive Summary

The *Environmental Planning and Assessment Act 1979* (EP&A Act), requires all councils to periodically review their local environmental plans (LEPs) and determine if those LEPs should be amended following such a review. Council has resolved to undertake a review of its LEP and an update is provided in relation to how the review will be progressed.

Report

As previously reported to Council quotations were sought from suitably qualified consultants for the review of the Lockhart LEP. Following an assessment of the three proposals received, Habitat Planning Pty Ltd's response was deemed the most responsive to the brief and best value for money and was appointed to undertake the review.

A summary of the proposed steps and anticipated timeframes for completion of these stages is set out below for information.

The proposed approach to the Project is as follows:

Profile and Issues Report

The initial stage of the project involves establishing the baseline issues and position for Lockhart Shire.

The Local Profile and Issues Report is a factual document that involves information and data gathering from a myriad of sources that contributes to the understanding of the Local Government Area. The report will also provide a key document to be used for engagement with the community, stakeholders and government agencies and shape and inform the LEP Review.

The purpose of the Local Profile and Issues Report is to establish the understanding of the Lockhart context from which the future strategic work will be built upon.

Residential Land Use Study

Future housing supply and development is a key land use consideration for the Lockhart LGA and therefore a specific Residential Land Use Study is proposed to be carried out. The preparation of a Local Housing Strategy is a key requirement being requested by the Department of Planning and Environment (DPE) of local Council's and therefore this work will fulfil a strategic requirement of Council.

The Study is proposed to be carried out generally in accordance with the Local Housing Strategy Guidelines and Template which has been developed by the Department of Planning and Environment (DPE) to guide preparation of local housing strategies within local government areas.

The Study will focus on considering the impacts and opportunities for subdividing land and the minimum lot sizes across the LGA, the density of dwellings in residential areas, environmental issues, character and context and housing needs of the community. It will also consider current and future infrastructure needs for the communities, including future servicing considerations that will need to be considered as the LGA continues to grow.

Strategic Land Use Plan

While residential matters will be the key issue informing the LEP Review, it is also appropriate that a broader Strategic Land Use Plan be prepared to supplement the Residential Land Use Study and cover other matters such as employment land, industry, commercial, tourism, environment and rural issues.

This Strategy will be prepared parallel to the Residential Land Study so as to provide efficiencies in costs, timing and consultation processes.

It is proposed that some of the other issues investigated through the Strategic Land Use Plan will be:

- Assessment of industrial land demand and supply analysis including industrial development types, trends, and opportunities, and
- Assessment of business/employment land demand and supply, opportunities, including any proposed changes to zoning;
- Development of a staging plan to guide future land release for residential and industrial development including infrastructure and servicing requirements for future development;
- Consideration of needs for protection or rural land in the Shire, including consideration of minimum lot sizes; and
- Consideration of environmental constraints and issues and particularly whether any changes are necessary through the LEP.

LEP Review – Planning Proposal

The final stage of the project will be the preparation of the new LEP review via the preparation of a Planning Proposal and the subsequent processes as prescribed by DPIE. This Planning Proposal will be based on the recommendations of the endorsed issues paper, strategic planning inputs and consultation carried out the earlier stages.

The Planning Proposal will be prepared in accordance with the recommendations for a 'Principal LEP' as per the recently updated 'Local Environmental Plan Making Guideline' prepared by DPIE in December 2021.

A summary of the respective components of the Project and estimated timeframes is summarised below.

Component	Target Issue Dates
Profile & Issues Paper	Final to Council – August 2022
Residential Land Use Study	Draft to Council for Comment – September 2022 Public Exhibition – October to November 2022
Strategic Land Use Plan	Draft to Council for Comment – September 2022 Public Exhibition – October to November 2022
LEP Review / Planning Proposal	(Target Dates, subject to DPE Discussions) Commence Preparation – December 2022 Seek Gateway Determination – January 2022 Public Exhibition – March – April 2023

Consultation and engagement with key stakeholders, including the community and key agencies, is essential for the successful completion of this project. An overview of the proposed consultation approach is set out below.

1. **Community and Stakeholder Workshops** - this will involve targeted consultation with stakeholders, government agencies, Council and community members.

The workshops will be carried out at the commencement of the Residential Land Use Study and Strategic Land Use Plan and enable the consultants to draw in the detail for preparation of the strategic documentation.

It is proposed to hold individual workshop sessions with community stakeholders, key agencies, community groups, Councillors, Council staff and other identified reference groups.

2. **Presentation of Residential Land Use Study and Strategic Land Use Plan** – The consultant proposes to present both the Residential Land Use Plan and the Strategic Land Use Plan to Council prior to placing these documents on public exhibition.

Council staff and Councillors will have the opportunity to comment on the documentation before exhibition commences.

3. **Public Exhibition of Residential Land Use Study and Strategic Land Use Plan** – It is proposed that the Residential Land Use Study and Strategic Land Use Plan be released for public comment and feedback.

This consultation period would be for a period of at least 28 days and would be circulated widely amongst the community and relevant stakeholders for comment. This allows for feedback to be incorporated into the final documents.

4. **Public Exhibition of Planning Proposal/LEP Review** – The final stages of the LEP Review will be the drafting of the formal Planning Proposal to implement the LEP changes. Once prepared and a gateway determination is received from DPE, Council will be required to exhibit the draft LEP and Planning Proposal information.

This will involve an exhibition period of at least 28 days for the community and other stakeholders to comment.

Targeted consultation and notice will be provided to relevant stakeholders and agencies for review and comment, with a public hearing also required to be held if requested by DPE.

Integrated Planning and Reporting Reference

C1: Our environmental practices are sustainable

C2: Flora and fauna are protected across the Shire

C3: Our open space and natural environment are protected for future generations

D2: Our Planning and development controls work to attract new residents and investment.

Budget and Financial Aspects

Council's allocated budget in 2021-22 for the review of the LEP is \$20,000. Council has also resolved to allocate a further \$72,000 in its 2022/23 budget to complete the review.

Attachment

Nil

Recommendation: That the information be noted.

STRATEGIC DIRECTION D: Infrastructure for the Long-Term Needs of the Community

3. ENGINEERING AND ENVIRONMENTAL SERVICES REPORT

Executive Summary

Monthly report on engineering and environmental services matters.

Background Information

a) **Works**

Floods November 2021 and January 2022: Emergency works for the November 2021 flood and January 2022 flood events have been completed. Damage Control Project Management to advise Council when works may commence. Damage Control Project Management (DCPM) was appointed to manage the flood reconstruction works. Their project management fees are to be fully reimbursed. Council's contribution to each of the flood events is \$18,113.

2021/22 Capital Works Projects

Wattles Rd Intersections: Complete with minor clean up to commence when dry.

Prichard PI: Complete. Minor drainage works are required to complete the project.

Lockhart Kywong Rd – 1.25km North of Slocums Ln: All three structures now completed. Roadworks to commence in August/September 2022.

Lockhart Kywong Rd – 170m North of Spanish Ave: works completed.

Mittagong Yerong Creek Road: Funding secured through the Fixing Local Roads program to increase the capacity of two culverts and add additional width on Mittagong Yerong Creek Road with construction scheduled to commence in August 2022. Survey and Design near completion.

Unsealed Road Maintenance: Grading program has recommenced. The following roads have been graded: Mittagong Yerong Creek Rd, Tootool Mittagong Rd, Frank Westblades Lane, Jim McDonnells Lane, McKintys Lane, McLellands Lane, Wandella Lane, and Webbs Lane. Gravel resheets have been completed on Soldier Settlement Road and Ryans Lane.

An updated programme will be presented at the meeting.

b) ***Parks and Gardens:***

Ave of Honour, The Rock – Kurrajongs

Council has sourced advanced Kurrajong specimens for planting where trees were previously removed. Some planting has commenced where possible, a mini digger will be sought to excavate further holes and remove old roots.

Removal of dead trees, pruning of trees suffering from severe die-back, and removal of dead limbs has mostly been completed. The crown has been removed from dead trees, removal of trunks and stump grinding will be scheduled as resources become available. It is hoped that the pruning of the trees with die-back will help encourage new growth and prolong their lifespan, giving new trees time to establish before too many of the older trees succumb.

The Rock Recreation Ground

The over mature peppercorn trees were recently removed as part of the boundary track upgrade. *Eucalyptus eximia nana*, dwarf yellow bloodwoods, have been planted thanks to a donation from The Rock and District Touch Association.

Lockhart Caravan Park Entrance, Green St

Replacement of the old granite path with paving is scheduled to commence. Refurbishment will also include replacement of pebble surface with pea granite and the extension of the existing garden bed.

This area is already the home of the annual winner of Spirit of the Land sculpture and will also become the permanent home of the 'Spirit of the Land' Frame Sculpture, kindly donated by its creator David Fenwick of Weathered Garden Art, Mangoplah. The frame was very popular at the 2019 Spirit of the Land Festival with many visitors posing for photos behind it, its permanent inclusion in this position will allow visitors to take photos of themselves with the caravan park and creek backdrop throughout the year and can also be used during the festival.

Parks and Gardens

Along with the ongoing garden maintenance including regular weeding, spraying, pruning, deadheading and mulching; rose pruning has begun.

Walter Day Park is also looking very open at the moment due to some hard pruning of some very leggy bottlebrush and melaleuca. These species should take the hard pruning well and recover quickly with fresh new shrubby growth to fill out the gardens better.

Weed Control

Weed control by mechanical and chemical methods are undertaken regularly in urban areas. Pesticides commonly used are Glyphosate and Dicamba. Signage will be placed at property entrances when spraying is in progress.

Freehand herbicide has been trialled in several lawn situations to test its ability to suppress the germination of khaki weed and Caltrop (bindii/cathead) seed. Freehand is for pre-emergent weed control of annual grasses, susceptible sedge species and many small-seeded broadleaf weeds in ornamental landscape and warm season turf situations. The trial appears to have been quite successful; use will be extended next season.

Mowing and Slashing

Growth has slowed significantly; slashing in towns and villages is still being conducted as required. Many roadsides are now quite saturated; it will be difficult to get machines on these areas for the foreseeable future.

Growth of irrigated lawns is being monitored and mowed as required.

Trees

The tree maintenance program has commenced and will continue throughout autumn and winter. Council's priority has been high risk, dead, dying, or damaged trees. The bulk of these have been completed and the usual under-pruning of street trees has commenced.

Watering of any trees planted in the last two years has ceased due to regular rain, cooler temperatures, and dormancy of many species.

Lockhart Shire's *Street Tree Policy 2.44* states; 'Council is responsible for the planting and maintenance of street trees, including the selection of species, regular health, and safety checks, pruning, and removal and replanting requirements. Issues presented to residents regarding street trees, including species selection, maintenance and/or removal should be made in writing and addressed to the General Manager. Such issues will be resolved based on financial and time restraints.'

c) **Biosecurity**

Priority has been given to the control of African boxthorn (*Lycium ferocissimum*), Bridal creeper (*Asparagus asparagoides*), and Horehound (*Marrubium vulgare*) on roadside reserves and council managed land.

Common White Snail Baiting Program

Snail baiting application occurred on Fairview Lane on 14 June.

d) **Development Applications:** The following development applications were approved, with conditions, from 1 June to 30 June 2022.

DA/CDC No	Development	Applicant	Site of Development
DA76/22	Swimming Pool	CSKY Services Pty Ltd	50 King St, The Rock
DA77/22	Shed	Simon Hounsell	75 Ferrier St, Lockhart
DA78/22	Dwelling house	Elizabeth Lawson	8 Bond St, Lockhart

Legislative Policy and Planning Implications

Applications are processed under the provisions of the *Environmental Planning & Assessment Act 1979*.

Weed inspections and associated activities are carried out in accordance the *Biosecurity Act 2015* and associated regulations.

Integrated Planning and Reporting Reference

C2: Flora and Fauna are protected across the Shire.

D1: Our assets and infrastructure are well planned and managed to meet the needs of the community now and into the future.

D2: Our Planning and development controls work to attract new residents and investment.

Budget and Financial Aspects

Will be conducted within Council's allocated budget.

Attachment

- Works Programme (to be handed out separately at the meeting).

Recommendation: That Council notes the information provided in the Engineering and Environmental Services report.

4. HIRE (WET) PLANT AND EQUIPMENT

(GM: 22/8000)

Executive Summary

The purpose of this report is for Council to approve a list of contractors for the hire (wet) of plant and equipment for the period 1 July 2022 to 30 June 2023.

Background Information

Every year Council invites quotes from suitably qualified contractors for the hire (wet) of plant and equipment.

Contractors are required to have a Work, Health and Safety system in place and hold the required insurances (public liability, workers compensation). Where contractors do not have their own WH&S system, they can operate under Council's WH&S system. However, all contractors would be encouraged to have their own WH&S systems in place.

The criteria used for assessing and selecting plant for hire include:

- a) Quoted hire rate.
- b) Currency of insurances.
- c) Compliance with WHS regulations.
- d) Capacity to undertake the works.
- e) Condition and age of plant and/or equipment.
- f) Plant and operator performance/competencies.
- g) Proximity and availability.
- h) Service and support.
- i) Local preference.

A request for quotations for the wet hire of plant and equipment for the 2022-23 financial year was advertised and Council received responses from the following ten contractors:

Contractor	ABN	WH&S System	Public Liability Insurance	Personal Accident Workers Comp Insurance
Rollers Australia (Wagga Wagga)	✓	✓	✓	✓
Kennedy Bros Earthmoving (Wagga Wagga)	✓		✓	✓
The Mining Pty Ltd (Fannie Bay)	✓	✓	✓	✓
R & L Holyoake (Pleasant Hills)	✓		✓	✓
Peakn Park Contracting (Currawarna)	✓	✓	✓	✓
RW & LM Thomson (Lockhart)	✓		✓	✓
Solomons (Lockhart Earthmoving) (Lockhart)	✓		✓	✓
TDG Environmental (Strathfieldsaye Vic)	✓	✓	✓	✓
Dynamic Diggers (June)	✓	✓	✓	✓
Campo's Earthworks (The Rock)	✓		✓	✓

Based on the above assessment the lowest price (rates) may not be necessarily accepted. Appointment of a contractor will depend on the availability of plant and equipment required for a specific period as well as the above criteria. Once hired a daily equipment hire order including a safety check must be completed.

Most of the contractors that submitted quotes are in the Lockhart Local Government Area or the eastern Riverina region except for TDG Environmental (Strathfieldsaye – Greater Bendigo) and The Mining Pty Ltd (Fannie Bay, NT). Given the distance away from the Lockhart Shire it is unlikely that these two contractors will be utilised.

Legislative Policy and Planning Implications

Section 55 of the *Local Government Act 1993* and the Local Government (General) Regulation 2005 (Part 7 – Tendering) provides that works exceeding \$250,000 must be awarded by Council by way of public tender.

Integrated Planning and Reporting Reference

D1: Our assets and infrastructure are well planned and managed to meet the needs of the community now and into the future.

Budget and Financial Aspects

Council's auditors advised that 'management should review expenditure on an annual basis to identify goods or services where expenditure regularly exceeds \$250,000 annually irrespective whether the expenditure is spread over several projects. It is proposed that Council approves the contractors for the hire (wet) of plant and equipment for the 2022-23 financial year to satisfy the recommendation by Council's auditors.

Attachments

- Nil.

Recommendation: That Council approves the following contractors for the hire (wet) of plant and equipment for the period 1 July 2022 to 30 June 2023:

- Rollers Australia (Wagga Wagga)
- Kennedy Bros Earthmoving (Wagga Wagga)
- R & L Holyoake (Pleasant Hills)
- Peakn Park Contracting (Currawarna)
- RW & LM Thomson (Lockhart)
- Solomons - Lockhart Earthmoving (Lockhart)
- Dynamic Diggers (Jonee)
- Campo's Earthworks

5. HIRE (DRY) PLANT AND EQUIPMENT

(GM: 22/7999)

Executive Summary

The purpose of this report is for Council to approve the list of hire companies for Miscellaneous Plant Hire (Dry Hire), for the period 1 July 2022 to 30 June 2023.

Background Information

Every year Council invites submissions from companies for the hire of plant (dry) to be used for construction and maintenance purposes in cases where Council is unable to provide its own plant.

A request for a schedule of rates was sent to selected companies for the dry hire of plant. Council received responses from the following:

1. Porter Plant (Wangaratta).
2. Kennards Hire (Wagga Wagga).
3. Coates Hire (Wagga Wagga).
4. Rollers Australia (Wagga Wagga).
5. Orange Plant Hire (Leeton).

Council is not bound to accept the lowest rates, or any rates submitted. The criteria used for assessing and selecting plant for dry hire include:

- a) Quoted hire rate.
- b) Hire terms.
- c) Local preference.

The Council may undertake an ongoing evaluation of the hire companies' performance. The evaluation may be considered in the assessment of future requests for services of a similar nature. A copy of any such evaluation will be forwarded to the company. If the company disagrees with the evaluation, they may forward a request to Council's Manager Works for a review along with reasons why it should be reviewed. The Council's decision will be final. Council reserves the right to terminate agreements/contracts if the companies' performance has been identified as unsatisfactory and the company fails to rectify this.

Legislative Policy and Planning Implications

Section 55 of the *Local Government Act 1993* and the Local Government (General) Regulation 2005 (Part 7 – Tendering) provides that works exceeding \$250,000 must be awarded by Council by way of public tender.

Integrated Planning and Reporting Reference

D1: Our assets and infrastructure are well planned and managed to meet the needs of the community now and into the future.

Budget and Financial Aspects

Council's auditors advised that 'management should review expenditure on an annual basis to identify goods or services where expenditure regularly exceeds \$250,000 annually and assess whether these should be subject to a competitive tender process.

Council may hire (dry hire) plant on occasions when it is unable to provide plant from its own fleet. Although every effort will be made to minimise the cost of plant hire (dry hire) and keep the cumulative cost per hire company below \$250,000, circumstances may arise where the \$250,000 limit may be exceeded. Irrespective whether the expenditure is spread over several projects it is proposed that Council approves the contractors for the hire (dry) of plant and equipment for the 2022-23 financial year to satisfy the recommendation by Council's auditors.

Attachments

- Nil.

Recommendation: That Council approves the following companies for Miscellaneous Plant Hire (Dry Hire) for the period 1 July 2022 to 30 June 2023:

1. Porter Plant
2. Kennards Hire
3. Coates Hire.
4. Rollers Australia
5. Orange Plant Hire

6. REQUEST FOR COUNCIL TO PURCHASE PRIVATE ACCESS

(GM: 22/8576)

Executive Summary

A request has been received from two adjoining landowners for Council to acquire a section of their freehold land currently used for the purposes of a driveway access with a view to the land being dedicated as public road with Council accepting ongoing responsibility for the road.

Report

Council has received a request from the owners of 49 and 50 Rods Road, The Rock for Council to acquire a section of their respective properties currently used for the purposes of a driveway access. The subject land is being offered to Council for the sum of \$1.00 with a view to Council dedicating it as public road and assuming ongoing responsibility for it. A copy of the request together with supporting letters and photographs is attached.

By way of background the current situation is the result of a six-lot subdivision that was approved by Council in 1986. In order to obtain approval from Council a developer is required to ensure that all lots being created will have access to a public road.

In order to satisfy this requirement the subject lots were created in a “battle axe” shape so that they would have a small frontage to Rods Road. It is assumed this design was proposed by the applicant at the time to avoid the additional expense of constructing Rods Road for a longer length.

The “handle” of the battle axe lots are of sufficient width to provide an internal driveway and it is these sections of the two lots that the current landowners are proposing to transfer to Council. A copy of the subdivision plan is also attached.

Bearing in mind the land in question forms part of the landowners existing freehold title, in order to excise the relevant sections and dedicate them as public road, it would be necessary for a subdivision plan to be prepared and lodged with the Land Titles Office for registration. This will involve survey fees, plan registration fees and legal costs.

It is understood that the length of the private driveway access that is the subject of this request is approximately 500m and that the current owners’ expectation if Council was to agree to the request is that it would be maintained by Council as a gravel road that would be graded periodically.

The request for Council to assume responsibility for the property access is not supported as the current situation is in accordance with the approved subdivision plan. The only other way the six-lot subdivision would have been capable of being approved at the time is if Rods Road was constructed by the developer for the extended length to Council’s satisfaction to service two conventionally shaped lots.

It is noted that a similar request was received by Council in 2013. At that time Council declined the request (minute no. 220/13).

Integrated Planning and Reporting Reference

D1: Our assets and infrastructure are well planned and managed to meet the needs of the community now and into the future

Legislative Policy & Planning Implications

The subject lots have been created in accordance with a development consent issued pursuant to the Environmental Planning and Assessment Act (DA19/85).

Pursuant to section 9 of the Roads Act a person may open a public road by causing a plan of subdivision or other plan that bears a statement of intention to dedicate specified land as a public road to be registered in the office of the Registrar-General. On registration of the plan, the land is dedicated as a public road.

Budget & Financial Aspects

The subject land is being offered to Council for the sum of \$1.00 however in order to facilitate the transfer, survey fees, plan registration fees and legal costs would be incurred and estimated to be in the order of \$5,000 to \$10,000. If acquired Council will have ongoing responsibility for maintaining the road.

Attachments

1. Request from Landowners dated 13 June 2022 and supporting documentation.
2. Photographs taken from east and west of the accessway.
3. Plan of subdivision – DA19/85.

Recommendation: That Council decline the offer to assume responsibility for the private access to the properties situated at 49 and 50 Rods Road, The Rock.

Item 6: Attachment 1 – Request from Landowners dated 13 June and supporting documents

General Manager
Lockhart Shire Council
Green St
Lockhart NSW 2656

**PROPOSAL – LOCKHART SHIRE COUNCIL (LSC) TO PURCHASE PARTIAL RODS ROAD
THE ROCK**

Properties of Concern

49 Rods Rd The Rock DP 733644 Owners – V. Hogan/A. Spozetta
50 Rods Rd The Rock DP L4 733644 Owners – John & Edwina Chapman

Introduction

1. This letter is a request from J & E Chapman and V. Hogan/Alex Spozetta the current owners of partial (2 portions) Rods Rd The Rock to LSC for a nominal sum of \$1.00 per portion.
2. The road in question is a dirt road extension of Rods Road, approx. 600m long. It was originally divided into 2 x privately owned driveways to gain access between the properties of I & M Marston and J & J Hall.
3. The previous owners of each driveway decided to take down the dividing fence and join the 2 x roads together to make 1 road for ease of maintenance.
4. As time went by the adjoining neighbours I&M Marston and J&J Hall began using the road as it was a much easier and more direct access for their deliveries and visitors.
5. We (Chapmans and Hogan/Spozetta) do not have the equipment to maintain the road which is currently attempted to be maintained by the Marston's, but unfortunately his equipment is not suitable.

Current situation

6. Marrocka Emus (I & M Marston) uses the road for tours, mainly by buses and coaches and has advised us that he has an opportunity to increase the tours considerably commencing in Sep 22. Therefore, an increase in heavy vehicles on the private road would be an issue
7. Punch with Judy (J&J Hall) would like to encourage retail at their property possibly in conjunction with the emu tours, but their private access is currently a stumbling block.

Concerns

8. Our concerns with the current and potential future operations of our neighbours combined with the poor condition of the roads could result in damage to vehicles and personnel.
9. Our insurance is not designed to accommodate events that we are not in control of and the fear that we would be liable is increasing as is the possibility of something happening.

10. The additional cost in maintenance will be beyond our means and we don't want to go down the road of a corporate body type of operation to have a 4 way input into the upkeep and maintenance of the road.

Summary

11. Marrocka Emu Farm currently does little advertising or promotion but still attracts tourists on a regular basis with many private cars driving up our road to view the birds.
12. Punch with Judy is one of the biggest importers of craft products in Australia and deals mainly with shows, online customers and promotions. Punch with Judy do not encourage face to face contact at Rods Rd The Rock with one of the main issues being access.
13. The combination of Marrocka Emu Farm and Punch with Judy has the potential to be one of the biggest tourist attractions in Lockhart Shire.
14. Due to the potential chance of being liable for an insurance claim we will be contemplating whether the current or future arrangements should continue. It would be such a pity to let the opportunity of promoting Lockhart Shire pass due to lack of access.



Vicky Hogan/Alex Spozetta

Dated: 13/6/22

Attachments:

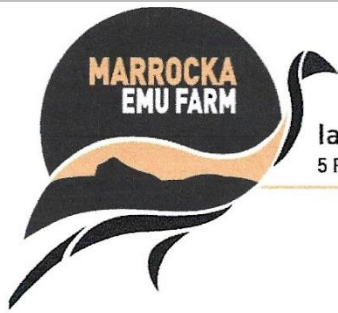
Supporting letter from Marrocka Emu farm (I & M Marston)
Supporting Letter from Punch with Judy (J & J Hall)
Photos showing Rods Rd The Rock



Edwina J. Chapman

John & Edwina Chapman

13/6/2022



Ian & Marilyn Marston
5 Rods Road, The Rock, NSW

Phone: 0269 202 453
Ian: 0429 202 453
Marilyn: 0429 202 454
Email: marrocka1@bigpond.com
P.O Box 32, The Rock, NSW, 2655

Marrocka Emu Farm – Letter of Support

1. This is a letter of support for the purchase of privately owned portion of Rods Rd The Rock by Lockhart Shire Council (LSC) from V. Hogan/A. Spozetta and J & E Chapman by I & M Marston (Marrocka Emu Farm).

BackGround

2. Marrocka Emu farm has been operating as a business for 28 years but has dabbled into tourism over the last 10 years.
3. Tourism has not been the main business of the farm but pre covid we attracted tours from most parts of the world. Recently more Australian visitors have shown interest including schools educating the children who have had little or no contact with emus.
4. To visit the farm the only access for buses and coaches is by the use of the road owned by our neighbours Vicky Hogan/Alex Spozetta and John and Edwina Chapman.
5. Marrocka Emu farm is run by Ian and Marilyn Marston and employs 2 x permanent casuals with the potential to increase.

Current/Future Operations

6. Marrocka Emu Farm wish to expand the tourism side of the business and have already booked a number of tours for the upcoming season commencing in Sep 22.
7. We wish to increase the tours and possibly open a couple of days a month to the general public.
8. I also wish to make improvements which would include an all abilities facility.
9. I am hesitant in proceeding with these actions whilst the possibility of not having permanent and reliable access for the visitors.
10. Therefore, I support the acquisition of partial Rods Rd The Rock by LSC from Vicky Hogan/Alex Spozetta and John and Edwina Chapman.

Ian & Marilyn Marston

Dated: 13/6/22



"GOLDVIEW"
OLYMPIC HIGHWAY
THE ROCK N.S.W.
AUSTRALIA 2655

Patchwork, Sewing & Craft Supplies
IMPORTERS * DISTRIBUTORS * MAIL ORDER
Judy & John Hall

PHONE: (02) 6920 2238
FAX: (02) 6920 2021
MOBILE: 0429 20 21 20
E-MAIL: judy@punchwithjudy.com.au

Visit our Website: <http://www.punchwithjudy.com.au>

LETTER OF SUPPORT

Punch with Judy has been operating as a Mail Order/Website business since we moved here in 1993, 29 years ago. We are constantly asked by locals and travellers if they may call in to make purchases, but as nothing has been on display suitable for normal retail trading, we have declined most requests. Also due to limited access to our business as many travellers have caravans or mobile homes.

Since 1991, our online business has been supported by face-to-face retail selling at all the major Craft & Quilting Shows Australia wide, in fact, in every State of Australia. However, this month we attended our very last show as Exhibitors, much to the disappointment of our thousands of customers.

It should be noted that we have been the largest Exhibitor at these shows and are, indeed, one of the largest online craft, sewing and quilting supplies in all of Australia, with awards substantiating such.

Retail has always been put on hold in despite of the requests, but now that our show circuit days are behind us we are re-thinking. We run our business with the help of casual staff and would convert our large warehouse to accommodating a show room area to have a permanent retail display. This could be a large expense and we are reluctant to pursue such without adequate, reliable, permanent access for our customers.

This plan could only be achieved with access to our property by the assurance of permanent access via Rods Road. I invite you to visit our website and read more about our business.

Therefore, this is a letter of support for the purchase of privately owned portion of Rods Road, The Rock, by Lockhart Shire Council (LSC) from V. Hogan/A. Spozetta and J. & E. Chapman, submitted by J. & J. Hall, Lot 2 Rods Road, The Rock, operating a business known as Punch with Judy.

Appreciation to all our customers, THANK YOU.

 <p>ACIA AUSTRALIAN CRAFT INDUSTRY AWARDS WINNER Every Year Held</p>	<p>Australian Craft Industry Awards</p> <p>WINNER - every year held</p> <ul style="list-style-type: none">People's Choice Award- Best Craft RetailerJudges' Choice Award- Best Craft RetailerLifetime Achievement Award	<p>AQC Hall of Fame 2019 WINNER</p>  <p>15 YEARS 2005-2019</p>
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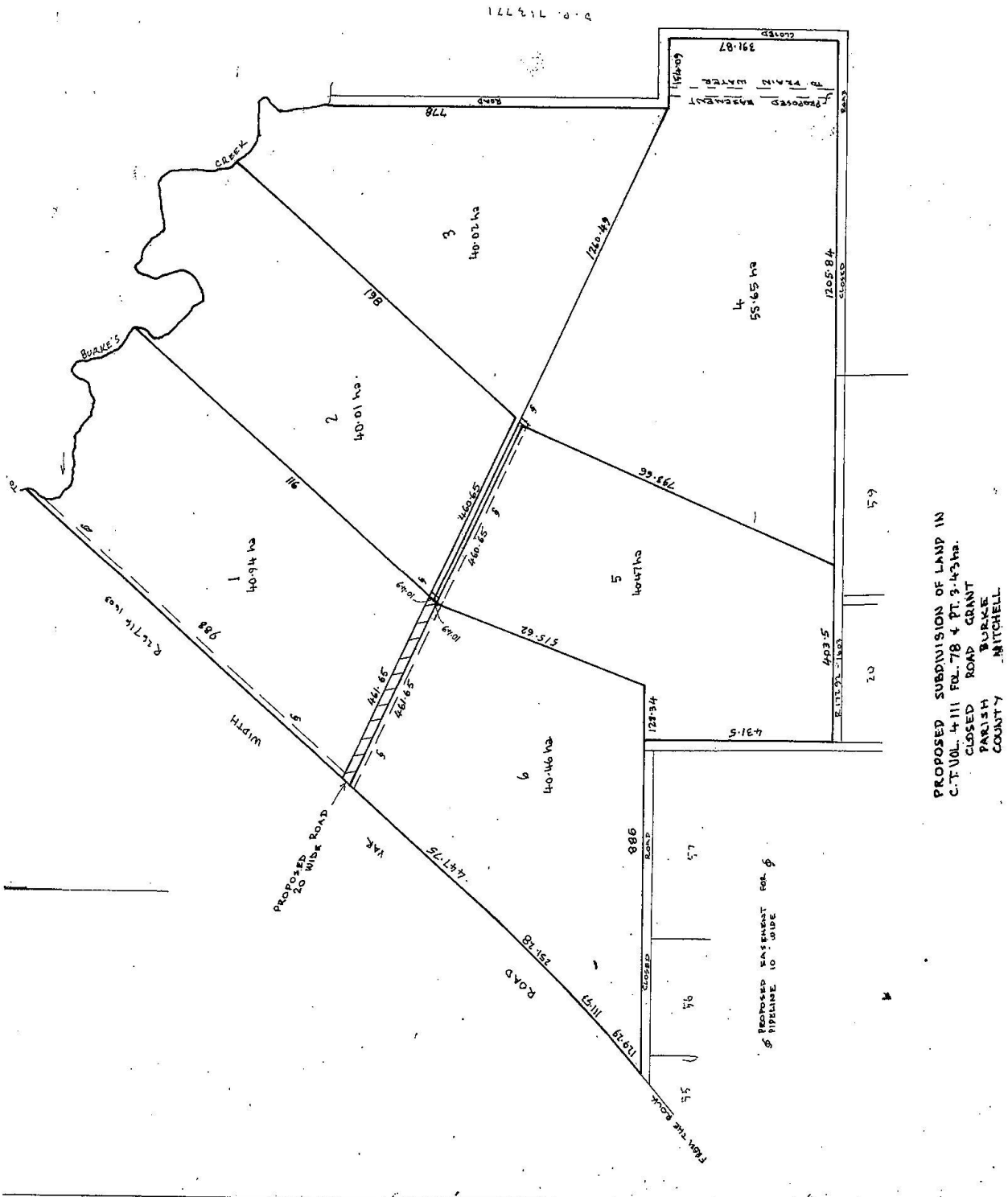
Judy & John Hall

13/6/2022

Item 6: Attachment 2 – Photographs taken from east and west of the accessway



Item 6: Attachment 3 – Plan of Subdivision DA19/85



STRATEGIC DIRECTION E: Strong Leadership and Governance

7. INVESTMENT AND BANK BALANCES REPORT – 30 JUNE 2022

(DCCS: 22/8663)

Executive Summary

The purpose of this report is to inform Council of the funds that have been invested and bank account balances.

Report

It is required under Clause 212 of the Local Government (General) Regulation 2005 and Section 625 of the Local Government Act 1993 to provide the Council with a written report each month detailing all money that Council has invested.

Cash at Bank

Opening Combined Cashbook Balance				1,898,198.11
Add: Total Receipts				
	Rates		102,290.94	
	Debtors		35,930.87	
	Miscellaneous		38,832.41	
	Interest		4,769.89	
	May BAS Return		32,054.00	
	Sale of Plant		98,663.95	
	Apprenticeship Incentives		29,884.66	
	FBT Refund		3,829.88	
	FMP Grant		1,311,429.00	
	FM-0037		43,011.43	
	FMP - 0049		154,286.00	
	LR 2 - LRC12		215,844.00	
	LR 3 - LRC13		846,561.00	
	OLG - RFS - ESL 2022		84,242.92	
	Riverina Water Grant - The Rock Showground & Golf Course		19,306.39	
	EPA - PIP Grant M5		22,185.00	
	Transport for NSW - Traffic Route Lighting		4,000.00	
	Transport for NSW - Reg Roads - Emergency Works		30,226.45	
	Transport for NSW - Local Roads - Emergency Works		73,229.79	
	Transport for NSW - Fixing Local Roads		449,550.00	
	Redeemed Investment		1,000,000.00	
	Macquarie DEFT		550,000.00	
				5,150,128.58
Less: Total Payments				4,923,754.07
	New Investments	0		1,500,000.00
Closing Combined Cashbook Balance				2,124,572.62
Closing Bank Statement Balance				
	Bendigo Bank			2,237,948.03
	Macquarie Bank			83,717.91
	Bendigo Bank-Prichard Trust			31,666.37
				2,353,332.31
Add: Outstanding Deposits				0.00
				2,353,332.31
Less: Outstanding Cheques				228,759.69
Closing Combined Cashbook Balance				2,124,572.62
	Investments:	Interest Rate per Annum	Amount Invested	% of Total
	Bendigo	2.20	500,000.00	6.06
	Bendigo	2.20	500,000.00	6.06
	Bendigo	1.00	500,000.00	6.06
	Bendigo	on call	100,000.00	1.21
	Bendigo	1.30	400,000.00	4.85
	Commonwealth	0.63	500,000.00	6.06
	Commonwealth	1.71	500,000.00	6.06
	Commonwealth	2.31	250,000.00	3.03
	Commonwealth	1.62	500,000.00	6.06
	Commonwealth	2.31	500,000.00	6.06
	MACQUARIE BANK	1.20	500,000.00	6.06
	MACQUARIE BANK	1.20	500,000.00	6.06
	MACQUARIE BANK	1.77	500,000.00	6.06
	NAB	1.05	500,000.00	6.06
	NAB	1.05	500,000.00	6.06
	NAB	1.75	500,000.00	6.06
	NAB	2.26	500,000.00	6.06
	NAB	2.05	500,000.00	6.06
			8,250,000.00	
				AMOUNT
	General (PTD)	1490-3000-0000		-159,119.73
	Combined Sewerage	8490-3000-0000		2,252,025.98
	Trust Fund	9991-3000-0000		31,666.37
			2,124,572.62	2,124,572.62
TOTAL FUNDS HELD ARE:			10,374,572.62	

Integrated Planning and Reporting Reference

- E1 Council is strong, sustainable and able to stand alone.
- E1 Plan for the long-term sustainability of the Shire.
- E1 Meet all governance and regulatory requirements in the conduct of Council operations.

Legislative Policy and Planning Implications

- Local Government Act 1993 Section 625 Investments.
- Local Government (General) Regulation Clause 212.

Budget and Financial Aspects

Council's 2021/22 Operational Budget has forecast a total of \$33,750 income from interest on investments for General Fund & Sewer Fund combined. For the period of July 2021 to June 2022, the average end of month balance of funds invested has been \$6.17 million and the average return on invested funds has been 0.43%. On these year to date figures, Council's budgeted income on investments will be under budget for the General Fund and Sewer Fund. The interest on investments has been adjusted for at each Quarterly Budget Review to reflect reduction in income from this income source.

Responsible Accounting Officer Statement

I, Craig Fletcher, hereby certify that all investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of Local Government (General) Regulation and Council's Investment Policy. The Internal and External Reserve amounts and Unrestricted Funds are estimate valued only, they are subject to change and review in part with the audit of Council's Financial Statements and each Quarterly Budget Review.

Recommendation:

- a) That the June 2022 Investment and Bank Balances Report be received and noted.
- b) That the Responsible Accounting Officer Statement be noted, and the report be adopted.

8. MEMBERSHIP OF REGIONAL ORGANISATIONS

(GM:22/8740)

Executive Summary

Discussions are currently being held by the Boards of the Riverina Eastern Regional Organisation of Councils (REROC) and the Riverina Joint Organisation (RIVJO) regarding transitioning to a single regional organisation.

Report

Lockhart Shire Council has been a long-standing member of REROC. In December 2017 the Local Government Act was amended to provide a legislative framework for the formation of Joint Organisations of councils (JOs). Pursuant to a resolution passed on 5 February 2020 Lockhart Shire Council is now a member of the Riverina JO (RIVJO) with seven other local councils.

The RIVJO member councils initially took a cautious approach to the transition from REROC to the JO whereby REROC would continue to operate alongside RIVJO with each organisation having different responsibilities i.e. REROC being responsible for operational activities e.g. joint purchasing, resource sharing etc. and RIVJO performing an advocacy role and determining regional priorities. The cautious approach was adopted due to concerns regarding the cost of operating JOs and their ongoing financial viability.

As Councillors will be aware from the regular Delegates Reports tabled at Council meetings the REROC and RIVJO Boards have been considering the transition to a single organisation with various options with the respective pros and cons being presented to the Boards. The Boards' decisions will ultimately have to be referred to the member councils for their consideration.

For the majority of councillors who have not been privy to the REROC and RIVJO discussions there will be a substantial amount of information to digest when considering this matter. For this reason it is considered appropriate that Council have the opportunity to workshop the issue before having to formally

adopt a position. Accordingly it is recommended that a Councillor Workshop be held prior to the Council meeting scheduled for 15 August 2022.

Integrated Planning and Reporting Reference

E1 - Implement “Fit For The Future” improvement action plans, i.e. continue involvement with REROC/JO.

Legislative Policy & Planning Implications

A legislative framework for the formation of JOs was established with the passing of the Local Government Amendment (Regional Joint Organisations) Act 2017. REROC is an incorporated body pursuant to the Associations Incorporation Act.

Budget & Financial Aspects

The 2022/23 Budget has made provision for both the REROC and RIVJO Membership fee.

Attachments

Nil.

Recommendation: That a Councillor Workshop be held at 4.00pm of Monday 15 August 2022 to consider Council membership of REROC and RIVJO and the proposed transition to a single organisation.

9. POLICY REVIEWS

(GM: 22/7969)

Executive Summary

A number of policies are due to be reviewed in accordance with the three-year cycle referred to in Policy No. 1.0 Policies – Procedure for Consideration and Adoption.

Report

At its meeting held on 16 March 2020, Council endorsed “Policy No. 1.0 Policies – Procedure for Consideration and Adoption” which set out a process for the systematic review of Council policies and the development of new policies.

Policy 1.0 Policies – Procedure for Consideration and Adoption, provides that:

In order to ensure that policies remain relevant a program of ongoing review of policies not later than every three years will be developed and maintained.

Individual policies will be reviewed and amended in advance of the scheduled review date when circumstances warrant. This may be prompted by factors such as a change in legislation, a change in government policy or as a result of a need identified by the Council, management and staff or internal and external audit activities.

Policy 1.0 also provides that any new or amended policies that, in the Council’s opinion, may impact on residents and ratepayers and/or on the provision of services to the community, are to be placed on public exhibition for a period of not less than 28 days, and any submissions received will be considered by Council prior to adoption of the Policy,

The following Policies are now due for review in accordance with the scheduled three-year cycle referred to in Policy No. 1.0:

- Policy 2.28 Asbestos Cement
- Policy 2.54 Contract Management
- Policy 2.55 Roadside Vegetation Management
- Policy 2.56 Mobile Food Vans

No significant changes are proposed to the above policies however it is considered appropriate that Policies 2.28, 2.55 and 2.56 be placed on public exhibition prior to being reaffirmed by Council.

Integrated Planning and Reporting Reference

- E1: Meet all governance and regulatory requirements in the conduct of Council operations.
- E1: Minimise Council's exposure to risk and promote a strong risk management culture within Council.

Legislative Policy & Planning Implications

A process for the identification, development and review of appropriate policies and procedures facilitates an effective governance and control environment.

Budget & Financial Aspects

Nil.

Attachments

- 1. Policy 2.28 Asbestos Cement
- 2. Policy 2.54 Contract Management
- 3. Policy 2.55 Roadside Vegetation Management
- 4. Policy 2.56 Mobile Food Vans

Recommendation:

- 1. That Policy 2.54 Contract Management, as presented, be adopted.
- 2. That the following policies be placed on public exhibition for a period of not less than 28 days and any submissions received be considered prior to the policies being reaffirmed.
 - a) Policy 2.28 Asbestos Cement
 - b) Policy 2.55 Roadside Vegetation Management
 - c) Policy 2.56 Mobile Food Vans

Item 9: Attachment 1 – Policy 2.28 Asbestos Cement

2.28 Asbestos Management

POLICY TITLE: ASBESTOS MANAGEMENT

FILE REF: SC67

EXPIRY DATE: AUGUST 2025

OBJECTIVES

Lockhart Shire Council acknowledges the serious health hazard from exposure to asbestos.

In Australia, asbestos has been phased out of building materials since the 1980s and the supply and installation of asbestos containing goods has been prohibited since 31 December 2003.

However, Council recognises that asbestos legacy materials still exist in many homes, buildings and other assets and infrastructure. Council has no record of naturally occurring asbestos within the Shire.

Council has an important dual role in minimising exposure to asbestos, as far as is reasonably practicable, for both:

- residents and the public within Lockhart Shire
- workers (employees and other persons) in Council workplaces or facilities.

This Asbestos Management Policy forms part of the Risk Management processes employed by Council to achieve two of its Strategic Objectives; A2: Our community services and facilities meeting the needs of our community; and E1: Council is strong, sustainable, and able to stand alone.

DEFINITIONS

Asbestos means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including the following:

- Actinolite asbestos
- Grunerite (or Amosite) asbestos (brown)
- Anthophyllite asbestos
- Chrysotile asbestos (white)
- Crocidolite asbestos (blue)
- Tremolite asbestos
- A mixture that contains 1 or more of the minerals referred to in paragraphs (a) to (f).

Asbestos Containing Material (ACM) means any material or thing that, as part of its design, contains asbestos.

Asbestos-contaminated dust or debris (ACD) means dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos.

Friable Asbestos means material that:

- is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry
- contains asbestos.

Non-friable Asbestos means material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.

Naturally Occurring Asbestos (NOA) means the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

SCOPE

This policy applies to all of the residents, land and property holders and other stakeholders within Lockhart Shire and to all Councillors, Senior Management, staff, volunteers and contractors of Lockhart Shire Council.

The Policy provides information for council workers, the local community and wider public and applies to friable, non-friable (bonded) and naturally occurring asbestos (where applicable) within the Lockhart Shire.

Legislative Requirements

Council's legislative functions for minimising the risks from asbestos apply in various scenarios including:

- as a responsible employer
- contaminated land management
- Council land, building and asset management
- emergency response
- land use planning (including development approvals and demolition)
- management of naturally occurring asbestos
- regulation of activities (non-work sites)
- waste management and regulation.

POLICY STATEMENT

This Policy is supported by a specific Asbestos Management Plan, comprising two sub plans, and subordinate documents to manage risks associated with asbestos and asbestos containing material.

In the preparation of the Asbestos Management Plan Council has taken guidance from the following:

- Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by SafeWork NSW;
- Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by SafeWork NSW;
- Model Asbestos Policy for NSW Councils published by the Office of Local Government (OLG);
- Asbestos Blueprint – A Guide to the Roles and Responsibilities of Government Agencies in NSW;
- Additional guidance material listed in Appendix B.

PROCEDURE

Roles and Responsibilities of Council in the Management of Asbestos

Educating residents

Council shall assist residents to access appropriate information and advice on:

- The prohibition on the use and re-use of asbestos containing materials
- requirements in relation to development, land management and waste management
- risks of exposure to asbestos
- safe management of asbestos-containing materials
- safe removal and disposal of minor quantities of asbestos-containing materials.

Managing land

Council is responsible for managing public land. This may include land with naturally occurring asbestos and land contaminated with asbestos.

Managing waste

Council is responsible for:

- Issuing clean up notices to address illegal storage or disposal of asbestos waste or after an emergency or incident (under the Protection of the Environment Operations Act 1997);
- Issuing prevention or clean up notices where asbestos waste has been handled (including stored, transported or disposed of) in an unsatisfactory manner (under the Protection of the Environment Operations Act 1997);
- Issuing penalty infringement notices for improper transport of asbestos (under the Protection of the Environment Operations Act 1997); and
- Applying planning controls to proposals to dispose of asbestos waste on-site, seeking advice from the Environment Protection Authority (EPA) on this matter and making notation on planning certificates (section 10.7 certificates) where on-site disposal is permitted.

Regulatory responsibilities

Council has regulatory responsibilities under the following legislation, policies and standards in situations where council is the appropriate regulatory authority or planning authority:

Asbestos Management Plan

The Asbestos Management Plan is designed to assist Council:

- assess and/or surveying all property under its care and control to ascertain the presence of asbestos/ACM or not;
- maintain an Asbestos Register containing the location (or suspected location) of asbestos/ACM;
- assess potential health risks and implement control mechanisms;
- remove or control asbestos materials that pose an immediate health risk to the public or staff;
- regularly review and monitor identified areas to ensure they are appropriately labelled and in good condition and do not pose an immediate health risk;
- continually work toward an asbestos-free Council;
- consult with and educate staff on the dangers of asbestos/ACM in homes and workplaces, and the correct handling procedures if it is necessary to work with asbestos/ACM;
- educate and, where necessary, assist the residents and ratepayers of Lockhart Shire on the dangers of asbestos/ACM in homes and workplaces.

If naturally occurring asbestos is discovered in Lockhart Shire, Council will, if necessary, develop risk controls and an asbestos management plan in relation to the naturally occurring asbestos and provide guidance materials where necessary.

In the unlikely event that staff or volunteers have been exposed, or suspected of being exposed, the normal Incident Reporting process must be undertaken, and if necessary health surveillance steps are to be instigated, Personnel Files to be suitable endorsed.

REFERENCES, ASSOCIATED DOCUMENTS AND RELEVANT LEGISLATION

- Australian Standard AS 2601 – 2001: The demolition of structures
- Contaminated Land Management Act 1997
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Local Government Act 1993
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (General) Regulation 2009
- Protection of the Environment Operations (Waste) Regulation 2005
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy No. 55 – Remediation of Land.

RELEVANT COUNCIL POLICIES & DOCUMENTS

- Lockhart Shire Council Work Health & Safety Policies
- Lockhart Shire Council Risk Management Policy
- Lockhart Shire Council Asbestos Management Plan
 - Asbestos Management Plan – Community Asbestos Sub-plan
 - Asbestos Management Plan – Council Asbestos Sub-plan.

Adopted by Council 15 August 2022
Refer Minute xxx/22

Reviewed by Council – 18 March 2019
Refer minute No. 45/19

Adopted by Council 17 August 2009
Refer minute 283/09

Adopted by Council – 19 May 2003
Refer Minute No. 23612

Item 9: Attachment 2 – Policy 2.54 Contract Management

2.54 Contract Management

POLICY TITLE: CONTRACT MANAGEMENT

FILE REF: SC67

REVIEW DATE: JULY 2025

OBJECTIVE

The aim of this Policy is to ensure that:

- 1) Lockhart Shire Council manages the risk associated with contracts by providing clear direction to staff responsible for establishing and managing contracts with third parties.
- 2) Relevant legislation, codes and policies are complied with.
- 3) Obligations under contracts are performed.

SCOPE

This Policy applies to contracts for the supply of goods or rendering of services entered into by Lockhart Shire Council and third parties with the exception of:

- 1) Employment contracts.
- 2) Non-binding agreements or memorandums of understanding.

POLICY STATEMENT

- 1) All contracts must be in writing.
- 2) Only staff with the requisite delegation of authority may sign and execute contracts on behalf of Council.
- 3) All contracts must be entered into the Council's Contracts Register a copy of which is to be made available on the Council's website.
- 4) The goods or services to which the contract relates must be procured in accordance with Council's Procurement Policy.
- 5) Conflicts of interest that may arise in the negotiation, establishment and execution of a contract must be managed in accordance with the Local Government Act, 1993 and Council's Code of Conduct.
- 6) Contractual relationships will be established and managed having regard to the Council's Statement of Business Ethics.
- 7) All contracts and relevant documentation must be registered and securely stored in accordance with Council's Records Management Policy.
- 8) All commercial-in-confidence information will be treated as confidential.
- 9) A contract management plan will be prepared for contracts that are assessed as "high risk".
- 10) The Council may undertake an evaluation of contractors' performance. The evaluation may be considered in the assessment of future requests for services of a similar nature.

CONTRACT MANAGEMENT PLAN

In assessing the risks associated with an individual contract the risk assessment will not be limited to the dollar value of the contract but also have regard to other relevant factors such as complexity, duration, type of contractor, etc.

A contract management plan is to be prepared for contracts that are assessed as "high risk".

A contract management plan should be prepared prior to the execution of the relevant contract.

A contract management plan should, as a minimum:

- 1) Appoint a contract manager.

- 2) Identify other key individuals with roles and responsibilities in the management of the contract.
- 3) Identify the relevant officer with the appropriate delegation of authority to sign the contract.
- 4) Ensure that funds have been properly appropriated or budgeted for the contracted expenditure.
- 5) Identify what files need to be established for the contract, e.g. tender file, contract file, DA file, etc.
- 6) Determine that there is no conflict of interest, or potential conflict, in managing the contract.
- 7) Identify specific contract risks and appropriate mitigation strategies.
- 8) Identify the purchase order corresponding to the contract.
- 9) Establish arrangements for payments to be made under the contract.
- 10) Establish appropriate methods of communication between Council and the contracted party.
- 11) Outline any relevant reporting requirements for the contract.

RELATED DOCUMENTS

This Policy should be read in conjunction with:

- 1) Policy 1.4 Code of Conduct
- 2) Policy 1.6 Statement of Business Ethics
- 3) Policy 1.9 Records Management
- 4) Policy 1.19 Local Preference Purchasing
- 5) Policy 2.31 Procurement

Adopted by Council 18 July 2022
Refer Minute xxx/22

Adopted by Council 15 April 2019
Refer Minute 94/19

Item 9: Attachment 3 – Policy 2.55 Roadside Vegetation Management

2.55 Roadside Vegetation Management

POLICY TITLE: ROADSIDE VEGETATION MANAGEMENT

FILE REF: SC67

EXPIRY DATE: AUGUST 2025

OBJECTIVES

The objectives of this policy are:

- To protect the integrity of the environmental assets that are present within the Council's roadside reserves and meet Council's legislative obligations regarding roadside vegetation.
- To support decision making during planning of Council projects by incorporating the principles and recommendations outlined in the Lockhart Roadside Vegetation Management Plan.

BACKGROUND

The Lockhart Shire Roadside Vegetation Survey and Recommendations, which was created in 1997 and previously endorsed by Council, set forth conservation objectives for roadside vegetation in the Lockhart Shire, and applied conservation values to sites of significance. Council staff used this document to support decision making with respect to local approvals, permits, roadside environment preservation projects and engineering works. The Lockhart Roadside Vegetation Management Plan, referenced in this Policy, replaces the Lockhart Shire Roadside Vegetation Survey and Recommendations.

LEGISLATIVE RESPONSIBILITIES

Council is obligated to comply with State and Federal legislation (and associated regulations) relating to the management of roadside reserves. This includes:

- Commonwealth Environment Protection and Biodiversity Conservation Act 1999
- NSW Environmental Planning and Assessment Act 1979
- NSW Biodiversity Conservation Act 2016
- NSW Fisheries Management Act 1994
- NSW National Parks and Wildlife Act 1974
- NSW Heritage Act 1977
- NSW Protection of the Environment Operations Act 1997
- NSW Water Management Act 2000
- NSW Roads Act 1993
- State Environmental Planning Policy (Infrastructure) 2007
- NSW Local Land Services Act 2013
- NSW Biosecurity Act 2015.

POLICY CONTENTS

To preserve the natural resources within Lockhart local government area, and to comply with legislative obligations, the principles and recommendations outlined in the Lockhart Roadside Vegetation Management Plan will be incorporated into Council's work-related activities by:

1. Identifying sites of significant environmental value, particularly endangered ecological communities, and threatened species and their habitats.
2. Providing road-specific conservation values for the completion of the engineering project management plan prior to the initiation of works within the Shire, when addressing environmental considerations.

3. Providing guidance to minimise detrimental effects to roadside vegetation during routine maintenance work.
4. Providing base data to address customer requests, specifically those involving the maintenance and installation of infrastructure and telecommunications.
5. Providing guidance in the improvement of degraded vegetation and increasing connectivity of habitat within the Lockhart LGA.
6. Providing supportive documentation for funding applications, ecological promotion and community education.

RELEVANT POLICIES

- 2.17 Local Roads Classification & Maintenance.
- 2.35 Collection of Firewood from Council Road Reserves and Dead Standing Trees.
- 2.45 Stock Movement and Grazing Policy.

RELEVANT DOCUMENTS

CTENVIRONMENTAL (2019) Lockhart Roadside Vegetation Management Plan. Prepared for Lockhart Shire Council. Wagga Wagga, Australia.

Bull, L (1997) Roadside Vegetation Survey and Recommendations for Lockhart Shire. Albury, Australia.

POLICY ADMINISTRATION

The administration of this policy is the responsibility of Council's Engineering & Environmental Services department.

Adopted by Council 15 August 2022
Refer Minute xxx/22

Adopted by Council 20 May 2019
Refer Minute 119/19

Item 9: Attachment 4 – Policy 2.56 Mobile Food Vans

2.56 Local Approvals Policy for Mobile Food Vans

POLICY TITLE: LOCAL APPROVALS POLICY FOR MOBILE FOOD VANS

FILE REFERENCE: SC67

EXPIRY DATE: AUGUST 2025

PURPOSE

Lockhart Shire Council supports the operation of mobile food vans to encourage diversity in takeaway food options. The purpose of the Policy is to provide the framework for the operation of mobile food vans in the Lockhart Local Government Area. The Policy sets out the relevant legislative requirements for safe food handling and preparation, safe operation of food vans and trucks within Council's road reserves, car parks, parks and public land.

POLICY STATEMENT

1. Objectives

The Policy aims to:

- a) Ensure the Mobile Food Vans operate in accordance with the rules and restrictions within lawful car parking spaces on Council owned roads and public reserves;
- b) Ensure the operation of the Mobile Food Vans are located within appropriate locations within Council's parks and public reserves;
- c) Ensure that food sold through Mobile Food Vans is safe and fit for human consumption;
- d) Provide guidance and assistance for people wanting to operate Mobile Food Vans within the Lockhart Local Government Area;
- e) Ensure the construction, fitting out and facilities for cleaning utensils, articles, fitting and appliances in the Vans are adequate;
- f) Minimise any potential adverse impacts of the operation of Mobile Food Vans;
- g) Ensure the safe operation of the Mobile Food Vans for staff and patrons;
- h) Ensure the operation of the Mobile Food Vans considers and minimises adverse impacts on the surrounding amenity, and
- i) Ensure that trading improves the mix and diversity of takeaway food available, and has regard to existing comparable trading takeaway food and drink premises.

2. Scope

2.1 The Policy applies to Council-owned or managed roads, parks and public reserves within the Lockhart Local Government Area where the development is exempt development in accordance with Subdivision 27A Mobile food and drink outlets of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or where development consent has been granted specifically for Mobile Food Vending.

2.2 This Policy does not apply to Mobile Food Vans:

- Trading in accordance with a development consent on private land;
- Trading on public land in accordance with an approved event;
- Providing catering services to private events;
- Non-stationary mobile food vans, and
- Not operating a food business.

2.3 Exemptions from approval

There are no exemptions from the necessity to obtain approval under this Policy for Mobile Food Vending that is used for the sale of food and drink in public places within the Lockhart Local Government Area.

2.4 Council Approval Requirements

Council must consider the criteria in this Policy when determining Section 68 Approvals under the Local Government Act 1993 for:

“use of a standing Vans or any article for the purpose of selling any article in a public place”

For the purpose of this Policy a ‘standing Vans’ include any food van that has stopped to make a sale, or with the intention to sell.

3. Criteria council must consider when determining applications for mobile food vans

Council must consider the following when determining applications for Mobile Food Vans:

3.1 General Requirements of Mobile Food Vans:

- a) Approval under the Local Government Act 1993 is required prior to commencement of operation of a mobile food van on Council-owned or managed roads or parks.
- b) An application for approval to use a mobile food van is to be made on the approval form. The prescribed fee is also to be paid before the application is assessed.
- c) Prior to the issue of an approval under this Policy, the mobile food van is to be made available for inspection by Council’s Environmental Health Officer. Council will charge a fee for inspecting the mobile food vans as per Council’s adopted fees and charges schedule.
- d) An applicant will need to provide a plan detailing the layout for outdoor dining associated with the operation of the food van.
- e) All Approvals will be for one year with an end date of 30 June each year.
- f) Operators are to notify the food business to Council.
- g) Applications to renew approvals are to be lodged with Council prior to the expiration of current approvals.
- h) The criteria to be used in the assessment of a mobile food van for approval will include all the relevant provisions contained in the standards as set out in this Policy, the Food Act 2003, Food Regulation 2010 and the Food Standards Codes.
- i) Approvals may be issued subject to conditions, including but not limited to compliance with this Policy.
- j) Only the sale of foodstuffs and drinks will be allowed from mobile food vans. No sale of alcohol, cigarettes or other products from mobile food vans will be approved.
- k) The applicant is to submit a copy of a broad form public liability indemnifying the applicant against any actions, suits, claims, demands or proceedings for death or injury to any third party or parties or loss of, or damage to, any property, with an indemnity amount of not less than \$20,000,000 per occurrence and noting Council as an interested party. The insurance is to be valid at all times from the date of approval through to the date the approval lapses.
- l) The applicant is to submit copies of valid insurance policies that protect the applicant:
 - i) against any injury to any third party or parties under Compulsory Third Party Insurance as required by the NSW Motor Accidents Act 1988; and
 - ii) Against loss of, or damage to, any property whatsoever caused by the use of the vans when being driven by the Licensee, an employee of the Licensee, an independent contractor or any other person (including a person not employed by the Licensee). The policy is to have a limit of indemnity of not less than \$20,000,000 and shall be extended to include “CTP Gap Coverage Endorsement” cover. The insurance is to be valid at all times from the date of approval through to the date the approval lapses.
- m) The applicant is to provide a copy of their Food Safety Supervisors Certificate.

3.2 General Requirements in Accordance with Food Safety Standard 3.2.3

The design and construction of a mobile food vans is to:

- a) Be appropriate for the types of food produced and activities conducted;
- b) Provide adequate space for all activities and for all equipment to be used or stored;
- c) Allow easy cleaning/sanitising procedures of all structures and equipment;
- d) Prevent entry of pests, dust, fumes, smoke and other contaminants; and
- e) Exclude favourable sites for pests to live and breed.

Further details on these requirements are contained within Mobile Food Vans – Operation, construction and food handling guidelines, prepared by the NSW Food Authority. All mobile food vans approved by Council are required to comply with these guidelines.

3.3 Location

Council will use the following principles in determining the suitability of locations:

- Land use zoning and permissible uses within that zone (compatibility considerations);
- Proximity to residential properties (potential residential amenity impacts);
- Proposed hours of operation (consideration of other food and drink premises in proposed location);
- Road, road-user and pedestrian safety;
- Availability of alternate locations.

Mobile food vans are to arrive at a location fully equipped. Deliveries are not to be made to a mobile food van while it is in operation.

3.4 Proximity to an Operating mobile food van

Mobile food vans are not to trade within a 50m radius of another mobile food van.

3.5 Proximity to Existing Comparable Premises

Mobile Food Vans are to be located 50m away from any operating food and drink premises or kiosk or a special event selling food. This minimum distance requirement is measured in a straight line from the closest point of the mobile food van (location) to the main entrance of a food and drink premises or kiosk or boundary of a licensed event area.

3.6 Parking

Mobile food vans are to operate so as to:

- a) Ensure access to pedestrian ramps and footpaths are not compromised; and
- b) Ensure that access or egress from any building is not restricted by the operation of the mobile food van; and
- c) Ensure access to public street furniture such as seats, bicycle parking, drinking fountains, rubbish bins, fire hydrants, telephone booths and post boxes or the like are not impacted upon.

4. Other matters relating to approvals for mobile food vans

4.1 Permitted Days and Hours of Operation

The use of Council owned roads for the purpose of operating a mobile food van is restricted to between 7:00 am and 7:30 pm each day, inclusive of set up and set down times.

4.2 Bookings

The booking of a park or public space where the food van is approved to operate are required to be provided to Council one month in advance.

Council reserves the right to request the removal of the van where there is a booking conflict.

Council run events will take precedent over prior food van bookings.

4.3 Noise

The LA 10 noise level emitted from the van shall not exceed the background noise level by more than 5dB(A). No correction for tonality is applied. Measurement is taken at the worst affected residence.

4.4 Serving

Mobile food vans are not to operate with their serving window opening onto any part of a vehicular carriageway.

4.5 Sale of Alcohol

Proposals for food vans to serve alcohol will require development consent and a liquor licence.

4.6 Waste Management and Recycling

Provisions for waste management are to include the following:

- a) Mobile food van operators are responsible for the waste materials generated during the trading period. Waste materials such as food packaging should be collected in bins or suitable receptacles, bagged or contained, and stored and disposed of at the cost of the operator.
- b) Any waste produced by the operation of the mobile food van is to be removed from the site via the mobile food van at the end of the trading period.
- c) The trading area is to be left in a clean and tidy condition at the end of each trading interval.

- d) The trading approval holder is liable to reimburse Council for any cleaning cost incurred by Council during the duration of the trading period as a result of the operation of the mobile food van.
- e) Disposal of all liquid wastes generated within the food van is to be discharged to the sewer or as approved by an authorised Council Officer. Under no circumstances is liquid waste to be discharged on the ground or in the stormwater drain.
- f) Details of liquid waste and garbage disposal arrangements must be supplied with the application for the mobile food van.

4.7 Signage

An Approval under the Policy does not infer any approval for the erection or display of any sign or sign structure not directly attached to the mobile food vans.

The Policy does not allow the use of any temporary signage (e.g. A-frame boards) in association with the operation of any mobile food van unless specifically identified in the application.

4.8 Animals and Pests

All practicable measures are to be taken to prevent pests (including birds, spiders and flying insects) from entering or remaining in the van.

No animal is permitted to enter any van, whether the van is in operation or not.

4.9 Water Supply

The van must be provided with an adequate supply of potable water stores in approved containers and suitably protected against contamination, for hand washing, cleaning equipment and for use of food preparation. There must also be an adequate supply of hot water for these purposes.

The van is to be equipped with a wastewater tank external to the vans, of at least 50 litre capacity with an outlet of sufficient diameter to facilitate easy flushing and cleaning.

4.10 Electricity Supply

The food van is required to be operated via a generator for electricity supply or may be connected to Council's electricity supply subject to approval and charges for the electricity where this is available.

4.11 Noise

The emission of noise associated with the use of the van, including the operation of any mechanical plant and equipment, is to comply with the following:

- a) The use of the van must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997.
- b) If any noise complaints are received and substantiated by an authorised Council officer, the officer may direct that the use of the mobile food van/business is to be suspended or moderated to prevent nuisance until attenuation measures are completed and Council has confirmed in writing that the use may resume.

4.12 Odour

If any odour or smoke complaints are received and substantiated by an authorised Council officer, then the use of the van or apparatus is to be moderated as directed by an authorised Council officer as deemed necessary to prevent nuisance.

4.13 Maintenance

The van and its associated fixtures, fittings and equipment must be kept clean and in a good state of repair and working order, free from dirt, fumes, smoke, foul odours and other contaminants.

4.14 No-compliance

Council's Authorised Officers may issue penalty infringement notices, orders, clean up notices, prevention notices or court attendance notices for non-compliance with the Policy and all related offences.

REFERENCES, ASSOCIATED DOCUMENTS AND RELEVANT LEGISLATION

This Policy supplements the provisions set out for food vans and trucks within:

- Local Government Act 1993;
- Local Government (General) Regulations 2005;
- Roads Act 1993;
- Roads Regulation 2008;

- Food Act 2003;
- Food Regulation 2010, and
- Subdivision 27A Mobile food and drink outlets of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Adopted by Council 18 July 2022
Refer Minute xxx/22

Adopted by Council 20 May 2019
Refer Minute 125/19

QUESTIONS AND STATEMENTS

CLOSED SESSION

Agenda

In accordance with the Local Government Act 1993 the following business is considered to be of a kind referred to in subsection 10A(2) of the Act and should be dealt with as part of the meeting closed to the media and public.

10. THE ROCK COMMUNITY CENTRE

(GM: 21/11314)