



BUSINESS PAPER

**of the
Ordinary Meeting
Held
18 October 2021**

**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

The Council's Guiding Principles

The following general principles apply to the exercise of functions by councils:

- Councils should provide strong and effective representation, leadership, planning and decision-making
- Councils should carry out functions in a way that provides the best possible value for residents and ratepayers
- Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community
- Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements
- Councils should work cooperatively with other councils and the State Government to achieve desired outcomes for the local community
- Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way
- Councils should work with others to secure appropriate services for local community needs
- Councils should act fairly, ethically and without bias in the interests of the local community
- Councils should be responsible employers and provide a consultative and supportive working environment for staff.

The following general principles apply to decision-making by councils (subject to any other applicable law):

- Councils should recognise diverse local community needs and interests
- Councils should consider social justice principles
- Councils should consider the long term and cumulative effects of actions on future generations
- Councils should consider the principles of ecologically sustainable development
- Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

(Section 8A Local Government Act, 1993)



Lockhart Shire Council

File Ref: PV: SJ: 21/12496

13 October 2021

The Mayor and Councillors
Lockhart Shire Council
65 Green Street
LOCKHART NSW 2656

Dear Councillors

I wish to advise that the Ordinary Monthly Meeting of Lockhart Shire Council will be held at the Council Chambers, Green Street, Lockhart on **Monday, 18 October 2021** commencing at **5.00pm**.

The Order of Business will be as shown overleaf.

In accordance with previous resolutions passed by Council, the ordinary Monthly Meeting will be preceded by the following:

- 3.00pm Onsite meeting at the Lockhart Showground regarding DA 64/21 (refer Item 9 on page 27).
- 4.00pm Councillor Workshop to consider Phase 3 Local Roads and Community Infrastructure (LRCI) grant funding opportunities (refer Item 4 on page 20).

Yours faithfully

GENERAL MANAGER

ORDER OF BUSINESS

OPENING WITH A PRAYER

APOLOGIES

LEAVE OF ABSENCE

CONFIRMATION OF MINUTES OF THE ORDINARY MEETING, 20 SEPTEMBER 2021

DECLARATIONS OF PECUNIARY & NON-PECUNIARY INTEREST

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MAYORAL MINUTE

INFRASTRUCTURE CONTRIBUTIONS REFORMS

Report

I am calling on Councillors to support our local government sector's campaign on infrastructure contributions reforms.

The NSW Government introduced the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 into Parliament on 22 June.

The Bill was subsequently referred on 24 June 2021 to the Upper House Portfolio Committee No. 7 – Planning and Environment for inquiry and report by 10 August 2021.

Implementation of the reforms will have far reaching financial implications for our council and community.

These reforms may force our council to delay or completely remove projects from our expenditure plan with a detrimental impact not only on community wellbeing and participation in civic life but also, crucially, on job creation.

Councils need to be in a position to deliver quality infrastructure and open spaces if they are to attract homebuyers, housing and commercial development and business investment and these reforms put this at risk.

Councils also object to the Government's decision to tie reform of the rate peg to cater for population growth to reductions in infrastructure contributions. Reform of the rate peg is required independent of changes to contributions. This presents a concerning cost shift from developers onto local government and ratepayers.

It is premature to push forward with this legislation while so much of the infrastructure reform agenda remains unknown.

Local Government NSW (LGNSW) has been advocating this position on our behalf and has met with the Minister for Planning and Public Spaces, the Hon Rob Stokes MP, on several occasions to stress that councils and their communities must not be worse off under any reforms.

LGNSW has made a submission to the parliamentary inquiry opposing the passage of the Bill and, on Friday 16 July, LGNSW President Linda Scott spoke at the inquiry hearing alongside other local government representatives to present a united front on this issue.

LGNSW will continue its advocacy efforts on our behalf, including engagement with cross benchers and independents and is asking councils in NSW to add their voice in calling on the NSW Government to withdraw the Bill from the NSW Parliament.

The Riverina Joint organisation has also been advocating on behalf of member councils in relation to this matter.

Recommendation: That Council:

1. Calls on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.
2. Calls on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.
3. Calls on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal-led review of the rate peg to include population growth from the infrastructure contributions reforms.
4. Writes to the local State Member, the Hon Joe McGirr MP; the Premier, the Hon Dominic Perrottet MP; Treasurer, the Hon Matt Kean MP; Minister for Planning and Public Spaces, the Hon Rob Stokes MP; and Minister for Local Government, the Hon Shelley Hancock MP; seeking them to withdraw the Bill.
5. Writes to the Shadow Treasurer, the Hon Daniel Mookhey MLC; Shadow Minister for Planning and Public Spaces, Mr Paul Scully MP; Shadow Minister for Local Government, Mr Greg Warren MP; The Greens, Mr David Shoebridge MLC; Shooters, Fishers and Farmers Party, the Hon Robert Borsak MLC; Pauline Hanson's One Nation, the Hon Mark Latham MLC; Animal Justice Party, the Hon Emma Hurst MLC; Christian Democratic Party (Fred Nile Group), the Hon Fred Nile MLC; Independent, Mr Justin Field; Portfolio Committee Chair The Greens, Ms Cate Faehmann; Portfolio Committee Deputy Chair, Animal Justice Party, the Hon Mark Pearson MLC; and Committee members Liberal Party, the Hon Catherine Cusack MLC and the Hon Shayne Mallard MLC; The Nationals, the Hon Ben Franklin MLC; and Australian Labor Party, the Hon Rose Jackson MLC and the Hon Adam Searle MLC; seeking their support in securing the withdrawal of the Bill from the NSW Parliament and outlining Council's concerns with the Bill.

6. Alerts the local media to the threat of future ratepayer funds being expended rather than developer levies for new infrastructure brought about by increased development under the proposed legislation and shares and promotes these messages via its digital and social media channels and via its networks.
7. Affirms its support to LGNSW and requests LGNSW continue advocating on our behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities worse off.

MAYORAL REPORT

To be presented at the meeting.

URGENT MATTERS

Nil.

NOTICE OF MOTION

Nil.

COMMITTEE REPORTS

1. **MINUTES OF THE TOURISM AND ECONOMIC DEVELOPMENT STEERING COMMITTEE MEETING HELD AT 6.00PM ON 5 OCTOBER 2021 AT LOCKHART COUNCIL CHAMBERS**
(TEDO: 21/13086)

1. **Present**

Cr Derek Douglas, Peter Creek, Heather Trevaskis, Michell Bailey (Zoom), Rach Viski (Zoom) and Matt Holt (TEDO)

2. **Apologies**

Nil

3. **Leave of Absence**

Request for leave absence has been requested by Jared Walker for three months due to family and business commitments.

Resolved by the Committee that the leave of absence be accepted.

4. **Declarations of Pecuniary & Non-Pecuniary Interest**

Nil

5. **Confirmation of minutes of the previous meeting (June 2021 – attached)**

Resolved on the motion of Peter Creek and Heather Trevaskis that the minutes of the meeting held on Tuesday, 1 June 2021, as printed and circulated, be confirmed as a true and correct record of the proceedings.

6. **Update from Tourism and Economic Development Officer (TEDO)**

TEDO gave an update on several projects including Yerong Creek Water Tower, COVID-19 updates, The Rock Regional Observatory, The Rock Nature Reserve – Kengal Aboriginal Place new road signage and projects to be included in the Riverina Murray Destination Management Plan update.

Resolved by the Committee that the above project updates are noted.

7. **Actions from previous minutes**

a) **Proposed Committee Charter (February 2021)**

Recommended on the motion of Michelle Bailey and John Holstein that the Charter to be further investigated and discussed at the March meeting. TEDO to investigate similar committees at other Councils and options within the Local Government Act as to structure.

Thank you to those Committee members who provided feedback. The Charter now known as the TEDSC Term of Reference and is attached to the agenda email.

Recommended on the motion of Michelle Bailey and Heather Trevaskis that Council endorse the new TEDSC Terms of Reference to be implemented at the start of 2022. Noting that all current members of the TEDEC will need to re-apply when applications open.

b) **Lockhart Shire Council – Visitor Information Boards – October 2021**

Council has referred the below item to the TEDSC for investigation and recommendation.

Cr Rockcliff - Advised it had been suggested to him that while upgrades are being undertaken at the Caravan Park could consideration be given to the installation of a permanent fixture notice board recommending places of interest across the shire i.e.: Tourist site/points of interest.

The TEDSC considered the above at its informal August meeting (no quorum). Those present did agree that the Caravan Park wasn't the best location for a new sign. However, they did ask the TEDO to create a report back to the TEDSC on current and possible new locations (see below).

Report:

Currently across Lockhart Shire we have several Visitor Information Boards of different styles, ages, and information on them.

The audit has found the following Visitor Information Signs at the following locations.

- Walter Day Park – Lockhart (Image Below)
- Pastoral Shadows of Brooking – Lockhart (image below)
- Lockhart Shire Visitor Information Outlet – Lockhart (A4 Sign)
- The Esplanade – The Rock (same style as Walter Day Park Sign)
- The Rock Recreation Ground – The Rock (same style as Walter Day Park Sign)
- Olympic Highway Rest Stop – The Rock (same style as Pastoral Shadows of Brooking).

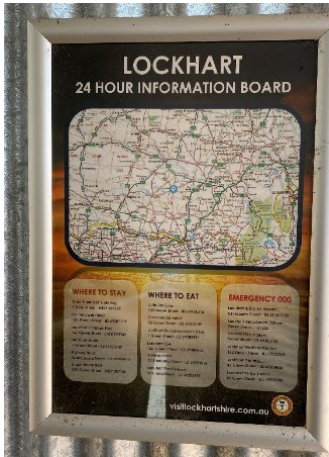
Walter Day Park



Pastoral Shadows of Brooking



Lockhart VIO after hours sign



In addition to the existing locations the following new locations for Visitor Information Boards are suggested.

- Yerong Creek Water Tower
- Milbrulong Water Tower
- Lockhart Water Tower
- Pleasant Hills (site to be determine)

Options for consideration

The TEDO would also like the TEDSC to consider the following for consistency of all Visitor Information Boards across the Shire.

- Create a new Lockhart Caravan Park sign with the same style and colours with a Visitor Information Board on the reverse side. (Pending further consultation with Park Manager and Director).
- Retain and expand the current style of Visitor Information Boards currently found at Walter Day Park (Lockhart), Avenue of Honour and The Rock Recreation Ground (The Rock) across all locations.
- Repaint the existing Visitor Information Boards currently found at Walter Day Park (Lockhart), Avenue of Honour and The Rock Recreation Ground (The Rock) to the colours used recently on the new Welcome to Lockhart Shire and Town Signs (Green).
- Remove the Visitor Information Board at Pastoral Shadows of Brookong and replace with one former Welcome to Lockhart Historic sign with information on the Walks itself. (Pending consultation with Lockhart Progress).
- Replace the current Lockhart Industrial Park sign to the same style and colour.
- Lockhart Visitor Information Outlet sign to be made so it can be attached to a wall and includes lighting.

Cost and Funding: TBC

Recommended on the motion of Rach Viski and Peter Creek that the TEDO continues to investigate the above locations following the process below.

- a) Further consult and gain feedback from effected staff and members of community
- b) Include the opportunity for local artists to have creativity space on the boards or at certain locations
- c) Investigate options for businesses and service clubs to be on the boards
- d) Obtain quotes as per LSC guidelines
- e) Report back in December

8. New Business

Nil.

9. Project Updates (attached)

TEDO provided a brief overview of the project on the list.

10. Questions

Peter Creek raised questions about topics relating to previous conversations held with other LSC staff regarding The Esplanade Pleasant Hill. TEDO to follow up.

Peter Creek asked questions about a possible future tractor rally and the implications COVID-19 restrictions may have on the event. TEDO will follow up with Peter individually.

Heather Trevaskis complimented the TEDO on how good the Yerong Creek Water Tower is looking. Heather also asked for an update regarding the Kings Own Hotel–Motel site re-development and The Rock Regional Observatory Site. TEDO provided verbal update.

11. Meeting Closes: 8.25pm

12. Next meeting: Tuesday, 2 November 2021 at Lockhart Shire Council Chamber

Attachment

- Draft Terms of Reference – under separate cover.

Recommendation: that the Minutes of the Tourism and Economic Development Steering Committee be received, and the recommendations therein be adopted.

DELEGATES' REPORTS

2. POLICE AND COMMUNITY CONSULTATION GROUP MEETING HELD AT THE PLEASANT HILLS COMMUNITY HOTEL ON TUESDAY, 28 SEPTEMBER 2021

(GM: 21/12682)

I attended a meeting of the Police and Community Consultation Group held at the Pleasant Hills Community Hotel on Tuesday, 28 September 2021.

Key points noted at the meeting include the following:

- Superintendent Bob Noble has taken up a position at Bathurst and his replacement, Superintendent Andrew Spliet, is due to commence in the role in November.
- COVID-19 enforcement continues to be a major focus and it likely to become a part of NSW Police's core activities.
- Police advised that there is a high level of compliance in the local community with respect to COVID-19 Public Health Orders relating to face covering and QR Code scanning. It was noted that businesses have the right to refuse entry to anyone who does not comply with the COVID-19 rules.
- Representatives of the various licensed premises in the Shire also reported no issues with COVID-19 compliance.
- From a crime perspective, things have been relatively good although copper theft from within the rail corridor has emerged as an issue again and the community is encouraged to keep an eye out for and to report any suspicious activity.
- Someone has been charged in relation to the break-ins at the Lockhart IGA and The Rock Foodworks that were reported at previous meetings.
- Concern was expressed regarding the Yerong Street level crossing at The Rock and stacking distances, especially during harvest time as trucks used for transporting freight are becoming bigger and bigger. It was noted that this matter should be brought to the attention of the Traffic Committee.

Cr Greg Verdon

Delegate

Recommendation: that the Delegate's Report be received.

3. INLAND RAIL (ALBURY TO ILLABO) COMMUNITY CONSULTATIVE COMMITTEE HELD 29 SEPTEMBER 2021

(GM: 21/12729)

I report having participated in a meeting of the Inland Rail (Albury to Illabo) Community Consultative Committee remotely via Zoom on 29 September 2021, together with the General Manager. A summary of the main points emanating from the meeting is provided below.

- Passenger services will continue as normal with works taking place during standard 60-hour possession periods.
- Inland Rail is committed to managing rail noise and will investigate mitigation measures for instances where modelling indicates that operational activity will exceed the relevant Guidelines.
- Meetings with local MPs, special interest groups, key stakeholders, government agencies and affected landowners are continuing through September and October 2021.
- An online community information session is planned for 7 October 2021.
- Environmental Impact Statement (EIS) anticipated to be on public exhibition in early 2022.
- Three contractors have been shortlisted who will be invited to submit a proposal to design and construct Inland Rail with the successful contractor planned to be appointed in the second half of 2022.
- Construction is scheduled to commence in 2023.
- Works at level crossings will be carried out under traffic management. The level crossings will otherwise remain open to traffic whilst the work is undertaken.

Cr Greg Verdon
Delegate

Recommendation: that the Delegate's Report be received.

STATUS REPORT/PRÉCIS OF CORRESPONDENCE ISSUED

Status Report: Council Resolutions and Tasks to be finalised

File Ref: 21/12271

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 20 September 2021			
176/21	DEES	<p>Tender – Winning & Crushing of Gravel 2022-001</p> <p>Council awards contract 2022-001 Winning and Crushing of Gravel for the 2021-22 financial year to Milbrae Quarries Pty Ltd for the sum of \$576,500 (GST Included).</p>	Contractor appointed. Complete.
175/21	DEES	<p>Tender – ISUZU 240-350 Cab-Chassis 2022-002</p> <p>Council awards contract 2022-002 tender for an Isuzu 240-350 MWB Cab-chassis truck to Blacklocks Albury-Wodonga for the sum of \$276,995 (GST Included).</p>	Truck ordered. Complete.
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>	Offer submitted.
171/21	GM	<p>Discussion Paper – Local Govt Tendering Regulation Review</p> <p>Council to make a submission to OLG supporting the proposed amendments to the Local Government Tendering Regulation on the basis that they reflect the increasing use of technology and will provide councils with more flexibility whilst enhancing transparency, accessibility and accountability.</p>	Submitted 21/09/2021. Complete.
168/21	GM	<p>LG NSW Annual Conference</p> <ol style="list-style-type: none"> 1. Appoint the Mayor as its voting delegate for the one-hour, online LGNSW Annual Conference to be held on 29 November 2021, and the LG NSW Board Election; and 2. Refer the nomination of voting delegate and other conference attendees for the in-person LGNSW Special Conference to be held at the Hyatt Regency Sydney from 28 February to 2 March 2022 to the newly elected Council. 	<ol style="list-style-type: none"> 1. Mayor registered as voting delegate 22/09/2021. Complete. 2. Report to be presented to January 2022 Council meeting.
166/21	DEES/MP&B	<p>Planning Proposal PP01/22 – Braithwaites Lane, The Rock</p> <p>Submit the planning proposal (PP01/22) to the NSW Dept of Planning, Industry & Environment for Gateway Determination.</p>	Planning proposal was submitted to the DPIE on 7/10/21. Complete.

*Lockhart Shire Council
Ordinary Meeting – 18 October 2021*

Minute No:	Officer to Action	Council Resolution	Action Taken
165/21	DEES	<p>Development Application 64/21 – Lockhart Showground Pavilion</p> <p>Consideration of this matter be deferred pending an inspection of the site by councillors prior to the next ordinary meeting of Council.</p>	<p>Onsite inspection arranged for 3.00pm on 18 October 2021.</p> <p>The report deferred from the 20 September Council meeting has been included in the Business Paper for the 18 October Council meeting (refer item no. 9, page 27).</p> <p>Complete.</p>
161/21	GM	<p>Australia Day Awards 2022</p> <p>1. Appoint the Pleasant Hills Tennis Club as host of the 2022 Australia Day celebrations, and</p> <p>2. Retain the existing Australia Day Awards Committee comprising Crs Walker, Sharp and Day for the 2022 citizenship awards.</p>	<p>Nominations for Citizenship awards currently being invited.</p> <p>Complete.</p>
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>Correspondence has been forwarded to the Federation and Narrandera Councils, The Member for Wagga, Dr Joe McGirr MP and to Wes Fang MLC.</p>
145/21	GM	<p>Postponement of Local Government Elections & Council Meeting Schedule</p> <p>That:</p> <p>1. Council notes the revised timeline for the local government elections.</p> <p>2. A further report regarding Council’s meeting schedule be tabled at the 15 November 2021 ordinary meeting of Council to consider passing a resolution to reschedule the December Council meeting to a date in early January 2022.</p> <p>3. A Councillor Workshop be convened prior to the October 2021 ordinary meeting of Council to consider potential projects for funding under Phase 3 of the Local Roads and Community Infrastructure grants program.</p>	<p>1. Complete</p> <p>2. Report to be tabled at the November ordinary meeting.</p> <p>3. Workshop convened for 4.00pm on 18 October 2021.</p> <p>Complete.</p>
141/21	DCCS	<p>Request for Financial Assistance – The Rock Central School P&C Association</p> <p>That Council contributes an amount of \$200 towards The Rock Central School Parents and Citizens Association Golf Day and that the contribution be funded from the 2021/22 budget allocation for Section 356 contributions.</p>	<p>Sponsorship payment forwarded to The Rock Central School P & C.</p> <p>Complete.</p>

Lockhart Shire Council
Ordinary Meeting – 18 October 2021

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 21 June 2021			
101/21	DEES	<p>Lockhart Main Street Maintenance</p> <p>1. Council adopts a revised cleaning program for Lockhart town centre as follows:</p> <ul style="list-style-type: none"> a. installation of netting and application of Bird-X-Peller or similar products, subject to first obtaining permission of building owners b. ongoing maintenance of the netting and application of bird expelling products c. cleaning of the pavers with a mini sweeper each quarter d. quarterly program of motorised sweeping of gutters e. annual program of pressure washing/hand cleaning of area between vehicle stops and kerb <p>2. The 2021-22 Budget be revised to include the cost of the revised cleaning program at the time of the first Quarterly Budget Review (as at 30 September 2021) by which time the outcome of the review of the street sweeping contract with Greater Hume Council will be known.</p>	<p>1. Correspondence forwarded to building owners in Green Street Lockhart, between Matthews and Urana Street for response by 19 July 2021.</p> <p>Twenty-nine letters were sent, 19 responses were received, 13 would like netting, six do not.</p> <p>Currently procuring contractor to install netting.</p> <p>2. First Quarterly Budget Review to be tabled at the November 2021 Council meeting.</p>
Ordinary Council Meeting held 17 May 2021			
75/21	DEES	<p>“Your High Street” Grant Program</p> <p>Reallocate \$61,732 of the Drought Communities Program Extension funding allocated to footpaths to be spent on the section of footpath in front of the museum on the corner of Green Street and Urana Street, Lockhart.</p>	Complete.
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>	Development application currently being prepared for lodgement.
Ordinary Council Meeting held 15 March 2021			
26/21	TEDO	<p>Minutes of the Tourism & Economic Development Steering Committee – 9 March 2021</p> <p>7a Proposed Charter: TEDO to send around examples of other Council committees with feedback to be sent to TEDO by May 2021 meeting.</p>	Draft Charter endorsed at October 2021 meeting of the TEDSC and recommended to Council for adoption. Complete.

*Lockhart Shire Council
Ordinary Meeting – 18 October 2021*

Minute No:	Officer to Action	Council Resolution	Action Taken
26/21	TEDO	8a The Esplanade, Pleasant Hills: TEDO add The Esplanade on the project list for a longer-term solution and that the TEDO approach Council's Manager Parks and Facilities for any short-term solutions and request a meeting on site.	Added to project list. TEDO to discuss with Facilities Manager.
Ordinary Council Meeting held 15 February 2021			
22/21	GM	Offer to Purchase Industrial Land Council authorises the General Manager to negotiate the sale of Lots 22, 23 and 24 Harry Davies Drive as outlined in the Report.	The completion of the DA process is awaited before progressing the negotiations. DA was submitted during week ending 3/09/21 and is currently being assessed.
12/21	GM	Preparation of Plans of Management – Crown Reserves etc 1) Council endorse the <i>Draft Lockhart Shire Council Plan of Management for Crown Land managed by Council and Council-owned land classified as 'community'</i> for the purposes of community consultation. 2) In the first instance, Council writes to the s.355 management committees and users groups drawing their attention to that part of the Plan of Management relevant to the reserve they manage/use and invite their feedback and input. 3) Following consideration of any feedback received from the management committees and user groups and updating of the draft Plan of Management, the document be placed on public exhibition providing the broader community with the opportunity to comment.	1) Complete. 2) Copies of the Draft Plan of Management have been forwarded to section 355 management committees and user bodies as well as to the Crown Lands Office. Complete. 3) Pending. Crown Lands Office approval is required before Draft Plan of Management is placed on public exhibition.
9/21	DCCS	The Lockhart Recreation Ground Management Committee – Request for Financial Assistance 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.	This resolution will be actioned if the application to the Building Better Regions Fund – Infrastructure Projects Stream – Round Five is successful. The Lockhart Football Netball Club have been advised the grant application has been successful. A report will be provided at a future Council meeting.
8/21	DCCS	Lockhart Railway Building Council: a) Agrees to a vary the lease of the Lockhart Railway Station building to a nil rental and authorise the General Manager to execute the necessary documentation. b) Develop a scope of works to repair the old Railway Station Building with a report to Council at a future meeting.	a) John Holland Rail has been advised of Council's resolution and their legal counsel is drafting a Deed of Variation to the current lease agreement. b) Scope of works being developed. Stronger Communities Program Round 6 grant funding of approx. \$18,000 received to assist with works.

*Lockhart Shire Council
Ordinary Meeting – 18 October 2021*

Minute No:	Officer to Action	Council Resolution	Action Taken
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>
Ordinary Council Meeting held 16 November 2020			
211/20	GM	<p>Grant Funding Opportunities</p> <p>1. Submit the following projects for funding under the Local Road and Community Infrastructure Program Phase 2:</p> <ul style="list-style-type: none"> - The Rock Hall - Lockhart Caravan Park - The Rock 2nd Oval – Water and Fencing - Lockhart Rec Grd Amenities – Stage 2 - Pleasant Hills Rec Grd – Tennis Courts etc - The Rock Observatory <p>2. Progress the following projects, in priority order, to 'shovel ready' status using the funds allocated in the 2020/21 Budget for 'Grant Application Preparedness'.</p> <ul style="list-style-type: none"> - GrainCorp Building Development - Avenue of Honour - Government Dam, The Rock – Recycling Water - Brookong Creek Masterplan - Galore Hill Scenic Reserve Masterplan 	<p>1. Complete</p> <p>2. Development application for 109 Green Street Lockhart has been lodged.</p>
206/20	TEDO	<p>Shortage of Residential Property to Lease</p> <p>Investigate options to make housing more available for existing and potential new residents, including possible incentives to attract investor-builders, land availability, workshops, and planning considerations.</p>	<p>Four REROC/RIVJO workshops have been held - a regional housing strategy has been developed. The Strategy has formed the basis of RivJO's submission to the NSW Government's Regional Housing Task Force.</p> <p>Representations have been made to the Member for Wagga Wagga.</p> <p>A Land Monitor project is being established.</p>
Ordinary Council Meeting held 21 September 2020			
174/20	TEDO	<p>September Minutes of the TEDSC</p> <p>ii) Make further inquiries to remedy signage issue at Noskes Chinese Crossing, consistent with current signage practices.</p>	<p>TEDO has placed this on TEDSC project list to further scope – including parking at the site.</p>

Lockhart Shire Council
Ordinary Meeting – 18 October 2021

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 20 July 2020			
133/20	DEES	<p>Naming of Bridges – Brookong Creek and Urana Lockhart Road</p> <ol style="list-style-type: none"> Propose the bridge on Urana Lockhart Road be named Brookong Creek Bridge. Propose the culvert over Brookong Creek in Green Street, Lockhart, be named Greens Gonyah Bridge, Brookong Creek. 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 5/10/2021.</p> <p>Awaiting response.</p>
Ordinary Council Meeting held 20 April 2020			
70/20	GM	<p>Review of Operational Land</p> <p>Council adopts the following actions in relation to the review of land classified as “operational land”:</p> <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 16 September 2019			
256/19	GM	<p>Lockhart Renewable Energy Project</p> <ol style="list-style-type: none"> Having secured Commonwealth government funding totalling \$1 million for the Better Energy Technology Renewable Energy Project for Lockhart Township; and Having given 28 days public notice of its intention to do so: Hereby resolves pursuant to Section 356 Local Government Act 1993 to provide financial assistance totalling \$1 million to Better Energy Technology, in the same manner, i.e., progress payments, as Council receives the funding from the Commonwealth, and for the sole purpose of undertaking Stage 1 of the Lockhart Renewable Energy Project. 	<p>Update presented by Gordon Hinds of Better Energy Technology to the September 2021 Council meeting.</p>
Ordinary Council Meeting held 20 September 2021 – Councillor Questions & Statements			
Questions & Statements	DEES	<p>Cr Sharp: Dust Suppression Policy</p> <p>Has been approached by a resident of Forcks Lane regarding the progress of an application made under Council’s Dust Suppression Policy and requested an update.</p>	<p>Manager Works contacted residents regarding dust suppressant.</p> <p>Complete.</p>
	DEES	<p>Cr Rockliff: Clem Gooden Oval</p> <p>Enquired about the possibility of mowing this area as it is a high-use area and Council’s designated off-leash area. The tall grass is making it difficult to keep track of animals. The area is also used by self-contained caravanners.</p>	<p>Complete.</p>

Lockhart Shire Council
Ordinary Meeting – 18 October 2021

Minute No:	Officer to Action	Council Resolution	Action Taken
	DEES	Cr Marston: Vincents Road, Mobile Reception Received a request for support from a resident of Vincents Road who reports they have no Telstra mobile reception in the area. Cr Marston asked if there is anything Council can do to assist.	Reported to Telstra. Also submitted to Department of Infrastructure, Transport, Regional Development and Communications. Referred to RivJO for inclusion in its representations and advocacy efforts. Complete.
	DEES	Cr Marston: Rods Road Thanked Council for the patching done so far with road base and asked if there was a plan for the patch to be bitumen-sealed.	Patched area resealed. Complete.
Ordinary Council Meeting held 16 August 2021 – Councillor Questions & Statements			
Questions & Statements	DEES	Cr Sharp: Recycling, Pleasant Hills Tip Expressed disappointment with the apparent lack of recycling happening at Pleasant Hills Tip and asked if a compound could be constructed to collect bottles and cans.	Bin placed at tip. Complete.
	DEES	Cr Walker: Doctors Surgery, The Rock Drew attention to the gravelled area at the front of the property and the very steep approach to the footpath. Cr Walker asked if the area could be sealed and also improve access, particularly for elderly clients. Cr Walker also mentioned that the car park adjacent to the building is full of potholes and, with the recent rain, currently a large puddle.	Estimated cost to box the area out, gravel and seal it is \$10,560. To be considered at quarterly budget review.
	GM/DEES	Cr Walker: Sheep Pavilion, The Rock Showground Stated that action needs to be taken on this issue as soon as possible so that the matter can progress. Cr Walker noted that a vote was taken at The Rock Show Society's recent AGM with the decision that two bays be retained.	The Rock Show Society AGM minutes not received despite repeated requests. Arrangements currently being made with contractor for demolition of the pavilion except for two bays, with signage as per compromise proposal.
Ordinary Council Meeting held 21 June 2021 – Councillor Questions & Statements			
Questions & Statements	DEES	Cr Driscoll: Community Reflection Space 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.	Park deemed appropriate for reflection space. Proponent to present proposal to Council for consideration. <i>Members of The Rock Progress have offered to attend a Council meeting to provide advice. – Mayor suggested next term of Council might be appropriate.</i>
Ordinary Council Meeting held 17 May 2021 – Councillor Questions & Statements			
Questions & Statements	TEDO	Cr Rockliff: Lockhart Caravan Park Advised it had been suggested to him that while upgrades are being undertaken at the Caravan Park could consideration be given to the installation of a permanent fixture notice board recommending places of interest across the shire i.e.: Tourist site/points of interest.	Referred to Tourism and Economic Development Committee for review of tourism signage. Provision made in landscaping for future signage. TEDO currently investigating – refer to October 2021 TEDSC minutes.

Lockhart Shire Council
Ordinary Meeting – 18 October 2021

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 19 April 2021 – Councillor Questions & Statements			
Questions & Statements	GM/ DCCS	Cr Verdon – Opening of New Facilities Suggested that with all the newly completed projects perhaps Council should hold some official openings.	Proposed to liaise with relevant government departments (funding bodies) and section 355 committees regarding an appropriate ceremony(s).
Ordinary Council Meeting held 15 February 2021 – Councillor Questions & Statements			
Questions & Statements	DCCS	Cr Driscoll – Community Centre for The Rock Advised that The Rock Tractor Service is moving to new premises in the near future and asked if Council could explore the possibility of developing the site for community purposes.	Initial investigations revealed that this land is included on Council's Contaminated Land Register due to the site's previous uses which could result in additional clean-up costs if Council was to acquire and develop the land. Enquiries are being made in relation to the vacant land on the corner of Burke and Ford Streets as an alternative (refer Q&S 21/06/2021).
	DEES	Cr Driscoll – Natural Gas 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.	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. The issue has also been identified for inclusion in an MoU with a tenderer for the Inland Rail project (refer separate report to Council).
Ordinary Council Meeting held 20 July 2020 – Councillor Questions & Statements			
Questions & Statements	DCCS	Cr Driscoll – Childcare in the Shire Requested that Council investigate the childcare situation in the Shire and ascertain if there is a need that could be supported by any of The Rock OOSH surplus.	Council will contact both schools in Lockhart as a starting point for feedback on demand for before & after school care.
Ordinary Council Meeting held 3 February 2020 – Councillor Questions & Statements			
Questions & Statements	DCCS	Cr Marston – CCTV With regard to the enquiry made by Cr Rockliff regarding the possible installation of CCTV at Lockhart and The Rock Swimming Pool Complexes, Cr Marston requested that Council also include Recreation Grounds in the Shire in this consideration.	Quotes received, minimum of \$6,000 per site. Not included in draft Budget for 2020/21. Consultation to be undertaken with S355 management committees. Feedback received indicates s355 committees are receptive if funding is available.

Lockhart Shire Council
Ordinary Meeting – 18 October 2021

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 20 November 2017 – Councillor Questions & Statements			
Questions & Statements	GM	<p>Cr Marston – Potential Purchase of Land for Development</p> <p>Following completion of Carson Rd Development, The Rock, enquired if Council could look into the purchase of more land for development (using borrowings) Shire-wide, but maybe concentrating on The Rock and lifestyle blocks in Yerong Creek, requesting this be put on the agenda for further discussion.</p>	<p>Discussions have been held with Council's agent and the availability of suitable developable land coming on to the market is being monitored.</p> <p>Land development at The Rock has also been submitted to the Riverina JO for inclusion in the Statement of Regional Priorities being developed by the JO.</p> <p>Council has resolved to support a rezoning proposal that will facilitate a private residential development at The Rock.</p> <p>Rezoning Proposal PP01/22 has been supported by Council and submitted to DPIE in accordance with minute no. 166/21.</p>

September 2021 - Correspondence Sent to Councillors

Date sent to Councillors	From	Subject	File Ref
22/9/2021	LG NSW	Weekly news dated 21/9/2021.	
26/9/2021	General Manager	MLHD Media Release – Contact Tracing...Behind the Scenes	21/12524
6/10/2021	Mayor	Councillor Update	
11/10/2021	LG NSW and ALGA	Weekly news dated 29/9 and 6/10 (LGNSW) and fortnightly news from ALGA dated 1/10/2021.	
11/10/2021	Office of The Hon M McCormack MP	Invitation to attend funding announcements on 12/10/2021 in Lockhart.	

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

STAFF REPORTS

STRATEGIC DIRECTION A: A Connected and Resilient Community

4. PHASE 3 – LOCAL ROADS AND COMMUNITY INFRASTRUCTURE GRANTS PROGRAM

(GM: 21/10775)

Executive Summary

The Australian Government has announced a third round of funding under the Local Roads and Community Infrastructure (LRCI) grants program. Council, at its meeting held on 16 August 2021, resolved to convene a Councillor Workshop to determine the projects to be submitted for funding under the grant program.

Report

It is noted from recent Federal Government announcements that a third round of funding under the Local Roads and Community Infrastructure (LRCI) grants program i.e., Phase 3, will be open in January 2022. The guidelines for Phase 3 have not yet been released.

It has been Council's practice to convene a Councillor Workshop to determine Council's priorities when these grant funding opportunities arise. It was anticipated that such a workshop would be held with the newly elected council for LRCI Phase 3. However, under the new timeline resulting from the elections being postponed, the newly elected Council will not be meeting until January for the first time to deal with specific procedural matters such as the oath of office, mayoral election etc. and it may be February before it starts to deal with more routine matters.

Accordingly, Council, at its meeting held on 16 August 2021, resolved to convene a Councillor Workshop on 18 October 2021 to determine the projects to be submitted for funding under the grant program.

This will enable work to commence on preparing grant applications for the nominated projects i.e., arrange quotes etc. Depending on the closing date for applications, which is not yet known, the outcome of the Workshop could be presented to the newly elected Council for ratification.

Accordingly, a Councillor Workshop is being convened at 4.00pm on Monday 18 October 2021.

Integrated Planning and Reporting Reference

- A1 Provide support and advice to community groups, clubs, and volunteers.
- A1 Support cultural and sporting opportunities that respond to the needs of the community.
- A2 Support, or partner to provide, welcoming and well maintained community spaces and facilities.
- D1 Our assets and infrastructure are well planned and managed to meet the needs of the community now and into the future
- D1 Ensure appropriate provision, planning and use of all open space and recreation facilities and cemeteries.

Legislative Policy and Planning Implications

Nil.

Budget and Financial Aspects

A co-contribution is not required for applications submitted under the LRCI Program.

Attachments

Nil.

Recommendation: That, as agreed at the Councillor Workshop held earlier in the day, Council prepare applications for the following projects for funding under Phase 3 of the Local Roads and Community Infrastructure grants program:

[list to be inserted]

5. RIVERINA REGIONAL LIBRARY

(GM: 21/127223)

Executive Summary

Wagga Wagga City Council (WWCC) has resolved at its meeting held on 13 September 2021 not to continue its membership of the Riverina Regional Library (RRL) after the expiry of the current Deed of Agreement on 30 June 2022.

Report

The current Deed of Agreement between member councils of the RRL expires on 30 June 2022. The RRL Deed is for a four-year term and therefore the next Deed of Agreement will extend from 1 July 2022 to 30 June 2026.

WWCC has resolved not to continue its membership of the RRL after the expiry of the current Deed of Agreement on 30 June 2022 opting to provide library services in its local government area on a stand-alone basis.

The implications of the discontinuation of WWCC's membership of RRL are currently being considered by a Working Party appointed at the Extraordinary Meeting of the RRL Advisory Committee held on 22 July 2021. The Working Party met on 30 August and again on 22 September 2021 to consider various membership scenarios and to develop recommendations for consideration at the October meeting of the RRL Advisory Committee.

Based on the information to be presented at the RRL Advisory Committee meeting to be held on 28 October 2021, a further report will be tabled at the November 2021 Council meeting.

It is noted that the remaining nine RRL member Councils maintain their strong support for RRL, as demonstrated at the July meeting of the RRL Advisory Committee. The Mobile Library service will be minimally affected with a reduction of just 5 of its current 27 service points.

Integrated Planning and Reporting Reference

- A1 Facilitate and support programs and projects within the community to make them accessible to people with all abilities
- A1 Support cultural and sporting opportunities that respond to the needs of the community

Legislative Policy & Planning Implications

The current Deed of Agreement between member councils of the RRL expires on 30 June 2022. The RRL Deed is for a four-year term and therefore the next Deed of Agreement will extend from 1 July 2022 to 30 June 2026.

Budget & Financial Aspects

WWCC's non-participation in the future Deed of Agreement commencing on 1 July 2022 will have budgetary implications for the remaining member councils. The extent of the financial impact on Lockhart Shire Council will become clearer once the options being developed by the Working Party appointed at the Extraordinary Meeting of the RRL Advisory Committee held on 22 July 2021 have been presented.

Attachments

Nil.

Recommendation: That the information be noted.

STRATEGIC DIRECTION B: A Dynamic and Prosperous Economy

Nil.

STRATEGIC DIRECTION C: An Environment that is Respected and Protected

6. PROJECT ENERGYCONNECT UPDATE

(GM: 21/12760)

Executive Summary

A further update is provided in relation to project EnergyConnect involving the construction of an above ground transmission line between Robertstown in South Australia and Wagga Wagga in NSW.

Report

At the last Council meeting held on 20 September 2021 an update was provided in relation to project EnergyConnect wherein it was noted that TransGrid had been working with several stakeholders, including government and energy market bodies, to explore “future-proofing” the section of EnergyConnect between Wagga Wagga and the proposed Dinawan substation, to be located off the Kidman Way, north of Jerilderie. This would include the entire section of the project within the Lockhart Shire.

According to TransGrid, “Future proofing” will involve building the relevant section of the transmission line at a capacity of 500 kilovolts (kV), instead of the currently proposed 330 kV configuration. This would greatly reduce (if not eliminate) any potential and future need for an additional transmission line through this area, decreasing the potential overall impact on landholders and communities, as the 500kV proposal allows for better alignment with the Australian Energy Market Operator’s Integrated System Plan.

Whilst the previous update indicated that “future proofing” the relevant section of the line was being considered, TransGrid has now confirmed that the organisation has formally committed to proceeding with an upgrade to the transmission lines between Wagga Wagga and the proposed Dinawan substation, north of Jerilderie.

TransGrid has been able to commit to this path of action following collaboration and support from the Commonwealth Government. At a local level, this decision greatly reduces any potential future need for an additional transmission line between Dinawan and Wagga Wagga and is not expected to involve any changes to the route for EnergyConnect.

TransGrid has reiterated its previous advice that it has undertaken additional activities to amend the offer of compensation made to impacted landholders earlier this year, so as to reflect any changes to land use or property value, and it will continue to work with landholders to negotiate the relevant agreements for easements and property access.

Integrated Planning and Reporting Reference

C1 Ensure responsible development practices are exercised.

Legislative Policy & Planning Implications

Project EnergyConnect has been declared Critical State Significant infrastructure and as a result the NSW section of the project will be assessed at a State Government level under the State Significant Infrastructure process.

Budget & Financial Aspects

Nil.

Attachments

Nil.

Recommendation: That the information be noted.

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

7. ENGINEERING AND ENVIRONMENTAL SERVICES REPORT

(DEES: 21/13177)

Executive Summary

Monthly report on engineering and environmental services matters.

Background Information

a) **Works:**

Wattles Road/Tinamba Lane: Final seal completed. TfNSW approved final intersection designs. Construction commenced on intersection at Tinamba Lane/Lockhart Collingullie Road.

Prichard Place: Extension of existing sealed section by 400 metres. A consultant has been appointed for the design of the road.

Lockhart Kywong Road (MR370) North: The section starts at 1.25km North of Slocums Lane and ends short of Seberrys Lane. A consultant has been appointed for the design of the road.

Lockhart Kywong Road (MR370) North: The section starts at 170m North of Spanish Avenue and ends 520m South of Boree Creek Road. Council successfully secured funding through the Regional Roads Repair Program to upgrade this section of road. A consultant has been appointed for the design of the road.

Mittagong Yerong Creek Road: Council successfully secured funding through the Fixing Local Roads program to increase the capacity of two culverts and add additional width on Mittagong Yerong Creek Road. Construction of this project is scheduled to commence in August 2022.

Grading and minor gravelling of unsealed roads: Completed grading of Zwecks Lane, Wolters Lane, Munyabla Munyaplah Road, McReadies Lane, Browns Lane, Dick Knobles Road, Seeligers Lane, Shipards Lane, Adams Lane and McRories Road, Janetzkes Lane, Schultz Lane, Klemkes Road, Strongs Lane, Napier Road, and Gerhardt Hoffmanns Lane.

Lockhart Caravan Park: Construction is mostly completed with only the disabled toilet and laundry to be constructed and some minor works to be completed. Modus advised that production of the new disabled toilet is delayed and may only be constructed at the end of September. The caravan park opened on Saturday 11 September. Council is in the process of procuring an on-line booking system for the caravan park.

An updated 12-month programme will be presented at the meeting.

b) **Major Projects:**

Flood Mitigation Construction-The Rock: Excel Gray Bruni has been appointed to undertake the flood mitigation works at The Rock, being the drainage works along Nicholas, Yerong and Urana Streets. Letters were posted to properties directly impacted. Contractor has established on site. Construction to commence in October 2021.

c) **Road Safety:**

TfNSW to issue a new contract to fund a part-time Road Safety Officer.

d) **Lockhart Local Emergency Management Committee (LEMC):**

The last meeting of the Lockhart LEMC was held on Friday 10 September 2021. The next LEMC meeting is scheduled for Friday 10 December 2021.

e) **Fleet:**

Currently seeking quotes for fleet replacements in accordance the 2021-22 program.

f) **Biosecurity and Environment:**

Property Inspections

Inspections were carried out on agricultural properties and council managed land. Due to NSW COVID lockdown, inspections were carried out on vacant property only. As such, twenty-four inspections were postponed, to avoid contact with property owners.

The weeds most found were Horehound (*Marrubium vulgare*), Wild radish (*Raphanus raphanistrum*), and St John's wort (*Hypericum perforatum*).

No. 1 st Inspections	No. Re-inspections required	No.2 nd Inspections	No. Biosecurity Undertakings Accepted	No. Biosecurity Directions Issued	No.3 rd Inspections	No.4 th Inspections
5	0	4	0	0	0	0

Control Program

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

drumMUSTER

The September drumMUSTER collection event occurred at Lockhart on Tuesday, 14 September. A total of 1,888 drums were inspected, raising \$581.50 for St. Joseph's School. The Rock collection event occurred on Thursday, 16 September. During this event 4,899 drums were inspected, raising \$1,371.72 for The Rock Men's Shed. drumMUSTER collection events have been tentatively scheduled for Tuesday, 15 March 2022 for Lockhart and Thursday, 17 March 2022 for The Rock.

Priority Weeds of the Murray and Riverina Regions Identification Guide

The Priority Weeds of the Murray and Riverina Regions Identification Guide is a new and improved resource, developed by the Murray and Riverina Weeds Action Programs. Copies are available for distribution to residents within the shire.

Prickly Pear

NSW Crime Stoppers has partnered with Local Land Services and NSW Department of Primary Industries to combat the trade of prickly pear. The purpose of the campaign is to:

- inform the public that it is prohibited to sell or swap certain types of cacti in NSW,
- guide the public to the NSW WeedWise profiles of cacti that must not be sold,
- educate the community about the negative impacts that prickly pear cacti can cause,
- appeal to the community to help protect people, pets, and parks by stopping the trade of prickly pear cacti, and
- encourage the community to report any illegal trade of prickly pear cacti to Crime Stoppers.

The key messages of this campaign include the protection of people, pets and parks; trading prickly pear cacti is a crime in NSW and must be stopped; if you trade prickly pear cactus, you could be fined up to \$220 000; and if you see these plants being sold, please report it to NSW Crime Stoppers on 1800 333 000 or report online at <https://nsw.crimestoppers.com>.

Spring Fox Baiting Program

Spring fox baiting commenced on 8 September with bait distribution occurring on the Galore Hill Scenic Reserve and Kincaids Reserve.

g) **Parks and Gardens:**

Yerong Creek Water Tower

Works continue to complete the landscaping around the base of the tower as weather and resources permit. The landscape design provided by the Yerong Creek Progress Association includes gravel and contrasting blue metal paths and raised garden beds. The bulk of the block will be set aside for future development as funding becomes available, but mulch is being laid for aesthetics and to assist with weed control.

Parks and Gardens

Routine garden maintenance is being conducted including regular weeding, spraying, pruning, deadheading, and mulching. Irrigation systems are being maintained and times adjusted for the spring growth season.

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 entrance when spraying is in progress.

Freehand herbicide is being trialled for several lawn areas to suppress the germination of khaki weed and Caltrop (bindi, cathead) seed. The active ingredient dimethenamid-P combined with pendimethalin

in Freehand is for use in ornamental landscape situations for pre-emergent weed control of annual grasses, susceptible sedge species and many small-seeded broadleaf weeds. It controls over 60 common weeds. If the trial is successful, application will be extended to other known problem areas.

Mowing and Slashing

The spring mowing schedule is under way after recent rain and warmer temperatures have accelerated growth. Access to some urban road reserves may be difficult until they dry out.

Maintenance of irrigated lawns are still being scheduled as required but will soon return to fortnightly maintenance.

Trees

Some tree planting has been conducted. Watering of any trees planted in the last two years will be conducted as temperatures increase.

Lockhart Shires 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.

h) **Development Applications:** The following development applications were approved, with conditions, from 1 September 2021 to 30 September 2021.

DA No	Development	Applicant	Site of Development
DA02/22	New Pavilion	Bill Allitt	Lockhart Showground Treasure St, Lockhart
DA07/22	Subdivision (2 lots)	MJM Solutions	1 Nicholas St, The Rock
DA09/22	New Dwelling	Stroud Homes	13 Prichard Place, Lockhart
DA12/22	New Dwelling	A Birkett	1 Hill St, The Rock
DA13/22	Colorbond Shed	Betta Sheds Wagga	33 Lagettie Lane, The Rock
DA14/22	Colorbond Shed	J Gray	9 Queen St, Yerong Creek
CDC16/22	Alteration & Addition	T Goonan	10 Green St, Lockhart
DA17/22	Change of use – Laundromat	S Peters	110 Green St, Lockhart
DA18/22	Shed & Additions to Existing Dwelling	A Matthews	60 Federal St, Lockhart
DA20/22	New Dwelling	GJ Gardner	24 Urana St, The Rock

Service Station

It was requested at the Ordinary Council Meeting held on 21 June 2021 that Councillors be updated on the progress of the service station at The Rock on a regular basis. The service station is still under assessment with additional information provided by the applicant on 7 July 2021 referred to Transport for NSW for consideration.

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 & Environmental Services report.

8. VOLUNTARY PURCHASE SCHEME

Executive Summary

The NSW Office of Environment and Heritage advised on 16 September 2021 that a funding is available under the Voluntary Purchase scheme to purchase and demolish two (2) more properties in Lockhart.

Report

Voluntary purchase involves the acquisition of flood affected properties, in frequently inundated in high hazard areas, and demolition of the residence to remove it from the floodplain. Council identified twenty (20) properties in Lockhart and three (3) properties in The Rock for voluntary purchase (WMA Water, June 2015). The three properties in The Rock were purchased and demolished while to date seven (7) properties in Lockhart were purchased and demolished.

Council applied for funding under the 2018-19 Floodplain Management Program funding round. The NSW Office of Environment and Heritage (OEH) advised on 13 December 2018 that Council is approved access to the Voluntary Purchase (VP) pool for six properties in Lockhart within the period 1 July 2019 and 1 June 2022. To date Council has purchased and demolished four houses under this agreement at 51, 63, 69 and 75 Urana Street, Lockhart.

In accordance the guidelines of the VP scheme, Council is to 'obtain a valuation in accordance with the Valuer General requirements to provide a range that is considered fair and equitable in relation to market value. The valuation is undertaken by a registered land and house valuer.'

Council engaged Egan Valuers to undertake valuations of the properties in order of priority that indicated to Council that they are willing to sell. When the valuations were received, Council wrote to the owners seeking their acceptance of the valued amount subject to funding being available. Council has written to the next two properties earmarked for voluntary purchase to gauge their willingness to sell. The owners of the two properties located at 53 Urana Street and 160 Green Street indicated that they are willing to sell at the valuations provided.

In accordance the VP scheme guidelines Council must "receive written confirmation from OEH that funds are still available from the VP/VHR pool as this may have altered due to the timescales involved". Council wrote to OEH and advised of the two owners' willingness to proceed with the sale of their properties. OEH advised Council on 16 September 2021 that funding is available for two properties under the scheme.

Council submitted a work plan for the two properties with the valuations and is currently waiting for OEH to issue a funding agreement for these properties once the work plan is approved. Council cannot enter into a contract with a property owner until it has entered into a funding agreement with OEH. The funding agreement with OEH will detail the cost-sharing arrangement between the Council and OEH for the estimated amount covering eligible costs as outlined in the approved work plan.

Legislative Policy and Planning Implications

Nil.

Integrated Planning and Reporting Reference

A2 Ensure that Lockhart Shire is well prepared to respond to adversity.

Budget and Financial Aspects

The total estimated cost to purchase (including legal fees, valuation fees, etc) and demolish (including disconnection of services) is \$480,000. The funding ratio is 6:1. Council's contribution for the purchase of the two properties is estimated at \$68,571.43.

Attachment

Nil

Recommendation: That Council approves \$68,571.43 in its 2021-22 budget as its contribution towards the voluntary purchase of two properties, located at 53 Urana Street and 160 Green Street, Lockhart.

9. **DEVELOPMENT APPLICATION DA64/21 – LOCKHART SHOWGROUND STOCK PAVILION**
(MP&B: 21/11804)

Council considered this report at the Ordinary Meeting of Council on 20th September 2021 and made the following resolution.

153/21	RESOLVED on the motion of Cr Sharp and Cr Driscoll that consideration of this matter be deferred pending an inspection of the site by councillors prior to the next ordinary meeting of Council.
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It is understood that a site inspection has been arranged for councillors and the report is presented for further consideration.

Executive Summary

Council has received a development application DA64/21 for the following development at the Lockhart Showground (Lot 122 DP756429):

- a) The demolition of an existing stock pavilion
- b) The construction of a stock pavilion

The development application has been submitted to Council for determination for the following reasons:

- The proposal involves the demolition of a heritage item
- The applicant for the development application is Councillor Day, on behalf of the Lockhart Showground Management & Racecourse Committee

Background Information

The Lockhart Show Society received grant funding in 2020 relating to works at the Lockhart Showground and they identified the remediation of both of the stock pavilions as an appropriate project. The Show Society approached Council regarding the regulatory processes involved and consideration was made of the proposed works with regard to Clause 5.10 Heritage Conservation of the Lockhart Local Environmental Plan 2012 (LEP).

The Show Society were informed that Clause 5.10(3) of the LEP provided for certain works to be carried out without development consent. However, based on the extent of the proposed works it was considered that the definition of "maintenance works" in the LEP would not be met and therefore a development application would be required.

- (3) ***When consent not required.*** However, development consent under this clause is not required if—
- (a) *the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—*
 - (i) *is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
 - (ii) *would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*

maintenance, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

Council's initial advice to the Show Society was given in August 2020, after which several meetings on and off site were convened to discuss the proposed works on the pavilions. Those meetings were attended at various times by Council development assessment staff, representatives of the Show Society, the Picnic Races Committee, Peter Kabaila (heritage advisor), Peter Kennard (structural engineer), Peter Hahn (builder), and Councillors Day and Schirmer.

Council's consistent advice has been that, based on the extent of the proposed works it was considered that the definition of "maintenance works" in the LEP would not be met and therefore a development application would be required.

The Lockhart Show Society made an enquiry to Council in April 2021 regarding the potential demolition of the northern pavilion, the subject of this development application. Advice was sought from Council's heritage advisor (Attachment A) who did not support the demolition of the pavilion.

The Lockhart Show Society have since made a development application (DA02/22) to construct a pavilion opposite the existing poultry pavilion, whilst this development application has been made by Councillor Day, on behalf of the Lockhart Showground Management & Racecourse Committee.

Development Assessment

Reference is made to the following documents that were submitted with the development application.

- Attachment C - Site plan
- Attachment D - Photo of existing stock pavilions
- Attachment E - Proposed stock pavilion
- Attachment F - Engineers report

Lockhart Local Environmental Plan 2012

The subject land is zoned RU1 Primary Production. The proposed development is considered to be permissible with consent as a "community facility".

community facility means a building or place—

- (a) *owned or controlled by a public authority or non-profit community organisation, and*
- (b) *used for the physical, social, cultural or intellectual development or welfare of the community,*

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

Clause 2.7 Demolition requires development consent

It is noted that the demolition of a building or work may be carried out only with development consent.

Clause 5.10 Heritage conservation

The Lockhart Showground (Lot 122 DP756429) is nominated in the LEP as a heritage item.

Development consent for the proposed development is required, pursuant to the provisions of Clause 5.10(2)(a) & (e)(i) of the Lockhart LEP.

- (2) **Requirement for consent** *Development consent is required for any of the following—*
 - (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—*
 - (i) *a heritage item,*
 - (e) *erecting a building on land—*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*

The development application was referred to Council's heritage advisor, Dr Pete Kabaila (Attachment B), who provided the following advice:

- *The Showground is a heritage listed item that contains original heritage structures, being the audience pavilion, publican's booth, north livestock pavilion and south livestock pavilion.*
- *This application is for replacement of the north with a new "equivalent" structure on the same footprint.*
- *Council heritage advice cited in the application argued for preservation of the pavilions, rather than demolition and replacement.*
- *In general, the purpose of the heritage listing is to discourage demolition of the original buildings.*
- **As demolition is unwarranted and unjustified, council should refuse this application.**

Alternative to conserve the original

The alternative is to repair and conserve the pavilion. The Burra Charter provides a guide to heritage related works and would endorse a like-for-like repair of the pavilion. This was already quoted by a local builder and was contained within the project budget. This is still the best approach i.e., to replace as little as possible but as much as necessary.

Alternative to demolish and replace with an equivalent

If council decides to support the application it is important that no demolition is commenced until funding is confirmed to build a replacement structure. The condition of consent could specify that construction of the replacement be commenced within 3 months of the demolition and completed within 12 months of commencement.

Building form and detailing of any "equivalent" replacement structure should respect the heritage values of the original livestock pavilion as follows:

- Match the original footprint and form.
- Post spacing to be 4.5m side aisles and 7.3m central aisle (to match exist).
- Front to rear post bays to be 2.4m (to match exist).
- Clear heights to be 2.1m, 2.7m and 4.2m (to match exist).
- Roof to be galvanised corrugated profile (to match exist).
- Half round gutter and round downpipes may be added.
- Alternatively, an eave overhang could drain without a gutter onto a gravel trench.
- Delete gable cladding.
- Framing to be like-for-like.
- Roof framing to be sawn timber.
- Posts to be 250 diam logs.

This advice is recommended to be incorporated into the design and annotated very clearly on the final plans.

In summary, Dr Kabaila's advice has three recommendations.

- 1) The application should be refused as demolition is unwarranted and unjustified.
- 2) The best approach is to repair and conserve the pavilion, i.e., to replace as little as possible but as much as necessary.
- 3) Council supports the demolition of the existing pavilion and replacement with an equivalent structure, subject to the new structure respecting the heritage values of the original livestock pavilion.

Clause 5.21 Flood planning

The subject site is identified as flood prone land in the Lockhart Shire Council Floodplain Risk Management Study and Plan.

The proposed development is a non-habitable building and it is considered to be satisfactory in regard to the relevant provisions of Council's Floodplain Risk Management Studies and Plans and Clause 5.21 of the LEP.

Clause 6.5 Essential services

The required essential services are available and connected to the subject land.

Lockhart Development Control Plan 2016

Heritage & Conservation

The objectives of the Lockhart Development Control Plan 2016 (DCP) in relation to heritage and conservation are "to ensure that new development:

- Conserves heritage items and Conservation Areas in Lockhart Shire;
- Enhances and does not adversely impact established character or curtilage;
- Provides a well-maintained appearance so as to be attractive to residents and visitors;

- *Retains attractive streetscapes, views, historic themes and consistency;*
- *Prevents demolition or removal of historic fabric (materials); and*
- *Presents and interprets historical evidence for the enjoyment of residents and visitors.”*

The proposed demolition of the existing pavilion is not considered to meet the objectives of the DCP, particularly with respect to “conserving heritage items” and to “prevent demolition or removal of historic fabric”. The proposed pavilion is considered to satisfactorily meet the objectives relating to heritage and conservation.

Section 2 (General) of the DCP indicates that:

- *development must retain heritage items and encourage changes to occur away from significant elements or sections of heritage items.*

The proposed demolition of the existing pavilion will not achieve this requirement of the DCP. There is considered to be other locations available at the Showground for the proposed pavilion that would enable the existing pavilion to be retained.

Section 4 (Development requiring consent) of the DCP does address further the issue of demolition.

- *Demolition of a heritage item or contributory building in a heritage conservation area is generally prohibited. Contact the Council to arrange a meeting with the Heritage Advisor if you are considering demolition of a heritage item. Demolitions will not be approved unless a suitable replacement building is proposed.*

This requirement of the DCP is particularly relevant to the application and the advice from the Heritage Advisor (Attachment B) has outlined the options available to Council.

That is, Dr Kabaila’s advice has three recommendations.

- 1) The application should be refused as demolition is unwarranted and unjustified.
- 2) The best approach is to repair and conserve the pavilion, i.e., to replace as little as possible but as much as necessary.
- 3) Council supports the demolition of the existing pavilion and replacement with an equivalent structure, subject to the new structure respecting the heritage values of the original livestock pavilion.

In support of the proposed demolition of the existing pavilion, the applicant has submitted a report from Mr Peter Kennard, a structural engineer (Attachment F).

Mr Kennard indicates the following with respect to the pavilion (referred to as Pavilion 1) that is proposed to be demolished.

- *“Pavilion 1 had significantly undersized structural members”*
- *“Based on this assessment, Pavilion 1 would be significantly inadequate to resist the design loads and restoration would not be economical or practical.”*

It is accepted that the structural details of the pavilion will not meet the current building standards and that it would be costly to upgrade it. However, the report does not indicate that the existing pavilion should be demolished because it is structurally unsound or in an unsafe or hazardous condition.

The development application is not considered to adequately justify the purpose of demolishing the existing pavilion.

Notification Of Development Applications

The development application was notified to the Lockhart Shire Council community by placing notices on the Council website and in the monthly newsletter.

No submissions were received.

Integrated Planning and Reporting Reference

- A2 Our community services and facilities meet the needs of our communities.
- D1 Our assets and infrastructure are well planned and managed to meet the needs of the community now and in the future.
- E3 Council responds collectively and responsibly to community needs.

Legislative Policy and Planning Implications

The development application has been assessed in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

Budget and Financial Aspects

Nil.

Attachments

- a) (Attachment A) - Advice from Council's heritage advisor 22/4/2021
- b) (Attachment B) - Advice from Council's heritage advisor 17/6/2021
- c) (Attachment C) - Site plan
- d) (Attachment D) - Photo of existing stock pavilions
- e) (Attachment E) - Proposed stock pavilion
- f) (Attachment F) - Engineers report
- g) (Attachment G) - Draft Schedule of Conditions

Recommendation: That DA64/21 for "*Demolition of an existing stock pavilion and construction of a stock pavilion*" at Lockhart Showground (Lot 122 DP756429) be refused for the following reasons:

1. The proposed development will not be in the public interest because it is not consistent with the objectives for heritage conservation in Clause 5.10 of the Lockhart Local Environmental Plan 2012. [Section 4.15(1) Environmental Planning and Assessment Act 1979].
2. The proposed development will not be in the public interest because it is not consistent with the objectives for heritage and conservation in the Lockhart Development Control Plan 2016. [Section 4.15(1) Environmental Planning and Assessment Act 1979].

Alternatively, should Council seek to grant consent to the development application, DA64/21 for "*Demolition of an existing stock pavilion and construction of a stock pavilion*" at Lockhart Showground (Lot 122 DP756429) be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at Attachment G.

[Next Item](#)

Item 9: Attachment A – Heritage Advice received 22 April 2021

Lockhart Council Heritage Advisory Service

Black Mountain Projects Pty Ltd
5 Wangara St Aranda ACT 2614
ABN 80 002 762 629
www.blackmountainprojects.com

Dr Peter Kabaila
Heritage Consultant
B Arch (UNSW), DipEd, PhD (ANU)
+61 0403 727 805 peterkabaila1@gmail.com

22.04.21

Atten: Michael Peisley mpeisley@lockhart.nsw.gov.au

LOCKHART SHOWGROUND LIVESTOCK PAVILION

Dear Michael

Thanks for giving me the opportunity to provide heritage advice regarding proposals relating to the old livestock pavilions at Lockhart Showground. Heritage advice is:

1 Historic opportunity. The local community now has an historic, one-off opportunity to repair and preserve at least one of the two old log livestock pavilions at the showground.

After much discussion, Lockhart now finally has had a good funding offer, a great builder who is willing and experienced in this kind of work, a helpful structural engineer and a council that is willing to approve a DA for repair and restoration.

This opportunity will not come again. I encourage the council and its committees to embrace this opportunity to restore a livestock pavilion for future generations. There is not much time left. But I am confident the approval can still be obtained and funds committed before the end of this financial year. Otherwise the funding might be wasted and lost.

2 Heritage value. The showground historic structures are heritage listed for a reason. That is, to preserve, for future generations, the original structures, being the grandstand, publican's booth, ticket office, and two log pavilions. These structures form an attractive related group which can be appreciated by visitors in the future.

Just to be clear about this, the new colorbond structures are worthless from a heritage point of view. They are not rare. There will be many thousands more examples of colorbond sheds in the future. By contrast in a hundred years time, there will be not one single more original handmade log pavilion.

The purpose of heritage listing is to discourage demolition. There is no valid justification for demolishing the old livestock pavilions. In the worst case, nothing should be done to them and a new shed built elsewhere. There is plenty of land for other sheds at the showground.

3 Where to from here. A structural engineer has inspected the two pavilions. He has assessed the pavilion on the right as repairable. In that case it should be repaired. The pavilion on the left should be retained as is (for future generations to decide).

This DA needs to be prepared and lodged with Council as soon as possible. Council will approve it (if the DA is reasonably well documented and justified).

Luckily for everyone, the community has an experienced, capable and willing builder who can restore the pavilion on the right, using like-for-like materials.

There will be plenty of time in the future for showground societies to build many more new colorbond structures. But the original heritage listed structures should remain. That's the purpose of the heritage listing.

Yours faithfully



Dr Peter Kabaila
Council Heritage Adviser

Item 9: Attachment B – Heritage Advice received 17 June 2021

Michael Peisley

From: Peter Kabaila <peterkabaila1@gmail.com>
Sent: Thursday, 17 June 2021 2:33 PM
To: Michael Peisley
Subject: CM: Portal application no PAN-107927 referral. Demolish north pavilion and replace with a shed on same footprint.

Record Number: 21/11464

Portal application no PAN-107927 referral. Demolish north pavilion and replace with a shed on same footprint.

Dear Michael
Thank you for referring this application.
Council heritage advice is:

- The Showground is a heritage listed item that contains original heritage structures, being the audience pavilion, publican's booth, north livestock pavilion and south livestock pavilion.
- This application is for replacement of the north with a new "equivalent" structure on the same footprint.
- Council heritage advice cited in the application argued for preservation of the pavilions, rather than demolition and replacement.
- In general, the purpose of the heritage listing is to discourage demolition of the original buildings.
- **As demolition is unwarranted and unjustified, council should refuse this application.**

Alternative to conserve the original

The alternative is to repair and conserve the pavilion. The Burra Charter provides a guide to heritage related works and would endorse a like-for-like repair of the pavilion. This was already quoted by a local builder and was contained within the project budget. This is still the best approach i.e. to replace as little as possible but as much as necessary.

Alternative to demolish and replace with an equivalent

If council decides to support the application then it is important that no demolition is commenced until funding is confirmed to build a replacement structure. The condition of consent could specify that construction of the replacement be commenced within 3 months of the demolition and completed within 12 months of commencement.

Building form and detailing of any "equivalent" replacement structure should respect the heritage values of the original livestock pavilion as follows:

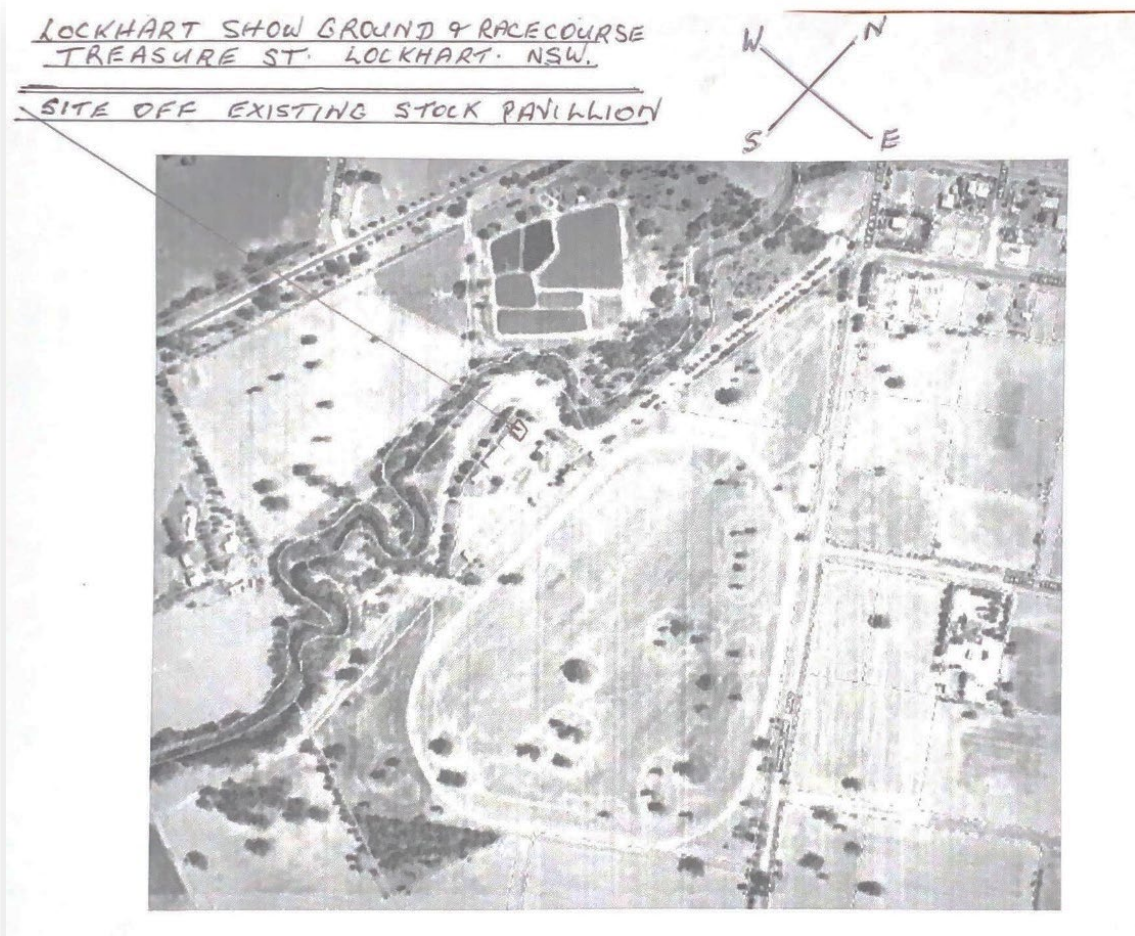
- Match the original footprint and form.
- Post spacing to be 4.5m side aisles and 7.3m central aisle (to match exist).
- Front to rear post bays to be 2.4m (to match exist).
- Clear heights to be 2.1m, 2.7m and 4.2m (to match exist).
- Roof to be galvanised corrugated profile (to match exist).
- Half round gutter and round downpipes may be added.
- Alternatively an eave overhang could drain without a gutter onto a gravel trench.
- Delete gable cladding.
- Framing to be like-for-like.
- Roof framing to be sawn timber.
- Posts to be 250 diam logs.

This advice is recommended to be incorporated into the design and annotated very clearly on the final plans.

Yours faithfully
Peter
--

Dr Peter Kabaila
Mob +61 0403 727 805
Black Mountain Projects Pty Ltd.
Heritage-Architecture-Archaeology
www.blackmountainprojects.com

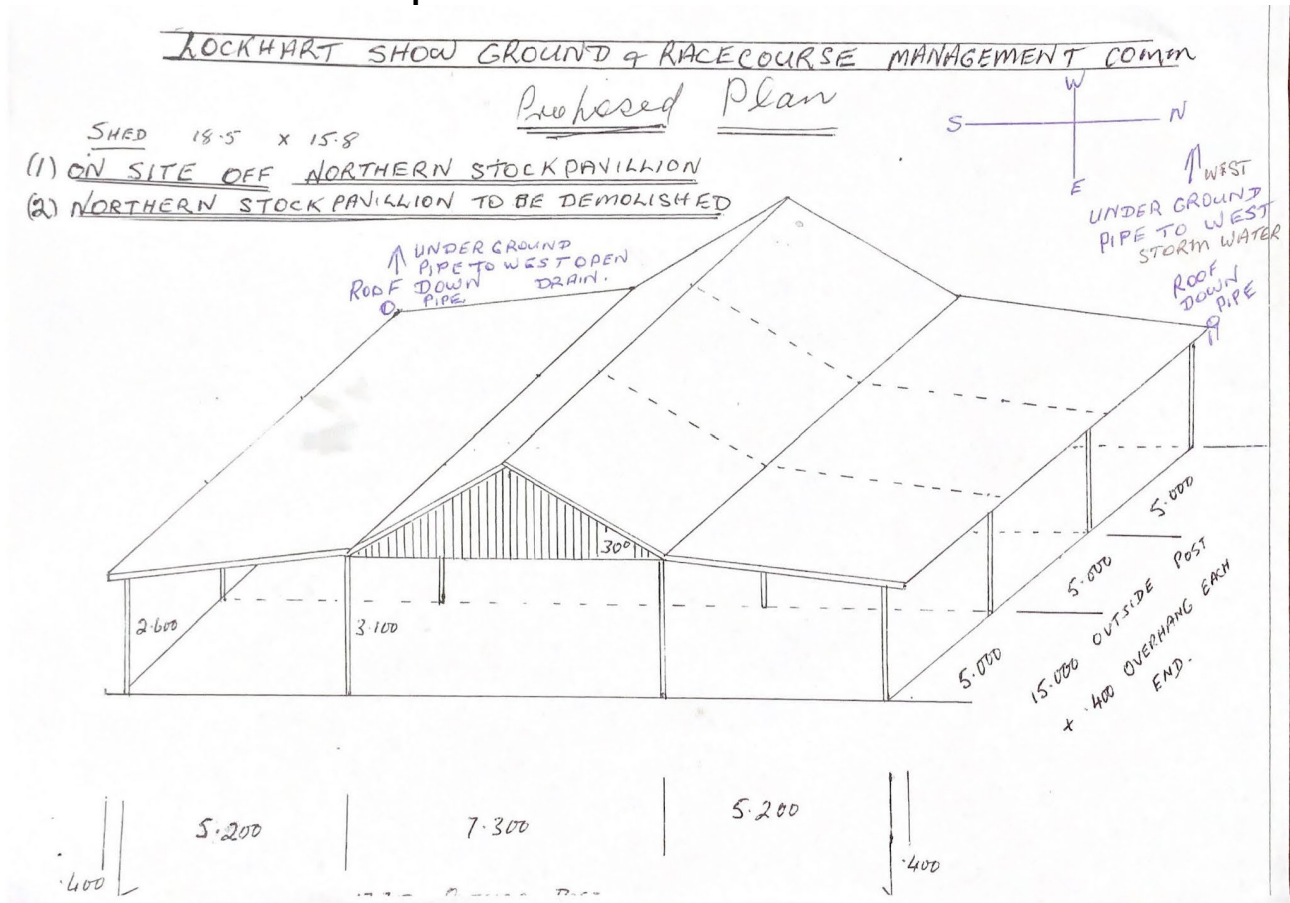
Item 9: Attachment C – Site Plan



Item 9: Attachment D – Photograph of Existing Pavilion



Item 9: Attachment E – Proposed Pavilion



Item 9: Attachment F – Engineer's Report

File Ref: 21S019
T: 02 6921 1877
E: pkennard@pkcengineers.com.au


Peter Kennard Consulting
ABN 37 002 836 599

Lockhart Showground Committee
Cnr Reid & Treasure Street
LOCKHART NSW 2656

27 January 2021

ATTN: FRAN DAY

Dear Sir,

RE: LIVESTOCK PAVILIONS No 1 and No 2

Reference the request of builder Peter Hahn, the undersigned inspected the pavilions on 20 January 2021 with members from the committee, builder Peter Hahn and a Lockhart Shire Council representative in order to assist with structural queries.

I addressed questions from the committee, gave preliminary advice, and measured up the second pavilion with the builder.

This letter is to advise my preliminary thoughts regarding the 2 pavilions. Pavilion No 1 (north-east) had significantly undersized structural members. It was decided to look at pavilion No 2 (south-west) in order to give engineering advice.

Comments on pavilion No 2 are as follows:

- The lean-to rafters were undersized for current codes. The rafters satisfy strength requirements but not serviceability requirements and need to be 150x45 or existing rafters strengthened to achieve the same stiffness.
- The pitched roof rafters, battens and support beams, and lean-to perimeter beams, are structurally adequate.
- All posts need to be founded 900 min into suitably stiff ground, or by concrete encasing, to provide lateral stability and resist uplift.
- If only one of each pair of lean-to posts per bay are adequate, it needs to be anchored 1200.

The builder indicated he would replace all perimeter posts. This is sensible as these posts are usually the most affected by seasonal conditions, and stormwater and ponding effects. He should also selectively check the adequacy of the other posts, particularly below ground, and replace all other inadequate posts in order to achieve resistance to uplift. However, stability can be achieved by embedding all new perimeter posts 1200 in concrete encasing or approved equivalent.

52 Johnston Street, Wagga Wagga NSW 2650
Postal Address: PO Box 7, Wagga Wagga NSW 2650
T: 02 6921 1877 M: 0407 072 131
o:\pkc\projects\2021\019_lockhart livestock pavilion\documents\lfr_isc.docx

In addition, the builder should strengthen or replace lean-to rafters, check the adequacy of the battens, and check and ensure the structural adequacy of all batten, rafter and beam connections.

Based on this assessment, the Pavilion No 1 would be significantly inadequate to resist the design loads and restoration would not be economical or practical. Restoration of Pavilion No 2 is more likely to be achievable within a reasonable budget.

These are preliminary comments only and can be further developed upon builder pricing and comments. If you need any further advice, or details of rectification requirements, please contact the undersigned.

Yours faithfully,



PETER KENNARD
ENGINEER | DIRECTOR
BE(HONS), GRAD DIP STRUCT ENG, MIEAUST, CPENG, NER
NER – 34278, BPB (VIC) – EC2111

Item 9: Attachment G – Draft Schedule of Conditions

ATTACHMENT G - DRAFT SCHEDULE OF CONDITIONS

1) INSPECTIONS: CLASS 10 BUILDINGS

The following inspections are required. A Minimum of 48 hours' notice is to be given to Council or a registered certifier prior to each inspection:

- a) before any concrete footings, piers, or reinforced concrete slabs are poured
- b) prior to the covering of the frame to floor, wall or roof;
- c) prior to covering any stormwater drainage;
- d) on completion of the building and prior to any use or occupation (first check that all inspections and conditions listed below have all been completed).

Bookings are to be confirmed by council staff by phone or email. Please note that failure to comply with this condition may prevent the issue of an Occupation Certificate.

Reason: To ensure compliance with Clause 162A of the Environmental Planning and Assessment Regulation 2000, associated legislation and Council requirements.

2) DEMOLITION

Demolition is to be carried out in accordance with the provisions of Australian Standard AS2601 – 2001 *The Demolition of Structures*.

3) COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA

All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made). This provision applies irrespective of the details contained in or omitted from the plans and specifications.

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000 and Section 4.17(11) of the Environmental Planning and Assessment Act 1979.

4) REPLACEMENT STRUCTURE

The new pavilion shall respect the heritage values of the original livestock pavilion by incorporating the following detailing into its design:

- a) Match the original footprint and form.
- b) Post spacing to be 4.5m side aisles and 7.3m central aisle.
- c) Front to rear post bays to be 2.4m.
- d) Clear heights to be 2.1m, 2.7m and 4.2m.
- e) Roof to be galvanised corrugated profile.
- f) Half round gutter and round downpipes.
- g) Alternatively an eave overhang could drain without a gutter onto a gravel trench.
- h) Delete gable cladding.
- i) Framing to be like-for-like.
- j) Roof framing to be sawn timber.
- k) Posts to be 250 diam logs. '

Full details are to be included in documentation for a Construction Certificate application.

5) SIGNS TO BE ERECTED ON ALL BUILDING AND DEMOLITION SITES

Prior to works commencing, a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out stating:

- a) that unauthorised entry to the site is prohibited;
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours, and
- c) the development consent or complying development consent number, the name and contact details of the Principal Certifier.

Any sign must be removed when the work has been completed.

NOTE: This condition does not apply to:

- a) building work carried out inside an existing building, or
- b) building work carried out on premises that must be occupied continuously (both during and outside work hours) while the work is being carried out.

REASON: To ensure the development complies with the requirements imposed under Clause 98A of the Environmental Planning and Assessment Regulations 2000 and Section 4.17(11) of the Environmental Planning and Assessment Act 1979.

6) NOTICE OF COMMENCEMENT OF WORKS

At least two (2) days prior to the commencement of any works, notice of commencement of building or subdivision works is to be provided to Council and, in the event of a private certifier, the principal certifier.

REASON: To ensure the development complies with the requirements of Section 6.6 of the Environmental Planning and Assessment Act 1979.

7) APPROVED PLANS NOT TO BE DEPARTED FROM

The approved plans and specifications shall not be departed from in any way, unless approval is first obtained from Council. Applications to amend such plans and specifications must be submitted in writing to the General Manager. Any alterations or additions marked by Council on the approved plans and/or the specifications must be carried into effect.

8) HOURS OF WORK

No building work, or related activities, shall commence on the site before 7:00 am Monday to Saturday and 8:00 am Sundays. All building work is to be completed, and no further development-related activities permitted after 8pm on any given day.

9) ADVERSE EFFECTS

The development is to be carried out in a manner so as not to cause any adverse effects or interfere with the amenity of the neighbourhood by way of smoke, fumes, exhausts, dust, noise or the like.

10) PROTECTION TO COUNCILS ASSET

The applicant shall ensure that suitable protection is given to the Council's assets, including paving, to ensure no damage is incurred during activities on the site. The applicant shall be responsible for any re-instatement costs incurred.

11) EROSION & SEDIMENT CONTROL

Prior to commencement of works erosion & sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or

producing erosion. Such measures are to remain in place until the project has been completed and the land suitably rehabilitated and stabilised.

12) BUILDING DEBRIS

Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind-blown. All building debris and rubbish shall be removed to an approved waste disposal facility.

13) CONDITIONS OF OCCUPANCY

The building must not be used or occupied prior to:

- a) a successful final inspection; and
- b) the issue of an Occupation Certificate by the Principal Certifier.

14) LONG SERVICE LEVY

The long service levy is payable prior to the commencement of building works. All approving authorities have obligations under the Building & Construction Industry Long Service Payments Act 1986 and / or the Environmental Planning and Assessment Act 1979 to ensure that the correct levies are paid prior to issuing any approvals allowing work to commence.

The levy is calculated at 0.35% of the GST inclusive value of works. Evidence of payment is to be provided to Council prior to issuing a Construction Certificate.

15) STORMWATER

Roof water from the proposed building is to be disposed of in such a manner that it does not cause a nuisance to any buildings on the Lot or to any neighbouring properties or building.

16) PLUMBING AND DRAINAGE WORK (PRIOR TO COMMENCEMENT)

Prior to commencement of plumbing and drainage work, the applicant shall apply for and gain approval from Council under s68 of the Local Government Act 1993 for connection to sewer and stormwater drainage. Applications shall be supported by business and license details of the selected plumbing contractor engaged as part of the development.

17) TOILET FACILITIES (PRIOR TO ANY WORK ON SITE)

Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a) standard flushing toilet connected to a public sewer, or
- b) if that is not practicable, an accredited sewage management facility approved by Council, or
- c) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior approval of Council.

NOTE 2: 'Vicinity' in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

10. RIVERINA WATER – TRANSFER GRANTING EASEMENT – MILBRULONG TO LOCKHART WATER MAIN

(GM: 21/13292)

Executive Summary

Authority is being sought to execute documents under Council's seal that will grant an easement to Riverina Water in relation to the new Milbrulong to Lockhart water main. A resolution of Council is required for the use of the seal.

Report

Riverina Water is in the process of registering easements for the recently completed water main from Milbrulong to Lockhart. Three of the affected properties are owned by Council and the relevant Transfer Granting Easement documents will be required to be executed under the seal of Council.

The three properties are described as Lot 3 DP1131760 and Lots 30 and 32 DP1185018.

In return for having an easement registered on the abovementioned titles, and for the purposes of consistency, Riverina Water has offered to pay the same amount of compensation to Council as is being paid to other affected landholders.

Based on Riverina Water's standard rates and the area of the land affected, compensation totalling \$2,115, including an amount for inconvenience will be paid to Council by Riverina Water.

The new Milbrulong to Lockhart water main will enhance the reticulated water supply and water security in the Shire.

Integrated Planning and Reporting Reference

D2 Develop infrastructure that supports growth within our community

D2 Support Riverina Water in quality town water supply that is sustainable in line with potential growth.

Legislative Policy and Planning Implications

Pursuant to clause 400 (4) of the Local Government (General) Regulation 2021, the seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.

Budget and Financial Aspects

In addition to the compensation being paid to Council, Riverina Water is meeting all other associated costs including preparation and lodgement of survey plans.

Attachments

The Transfer Granting Easement forms will be tabled at the meeting.

Recommendation: That the Transfer Granting Easement forms relating to the granting of an easement to Riverina Water on Lot 3 DP1131760 and Lots 30 and 32 DP1185018 be executed under Council's seal.

STRATEGIC DIRECTION E: Strong Leadership and Governance

11. INVESTMENT AND BANK BALANCES REPORT – 30 SEPTEMBER 2021

(DCCS: 21/12956)

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			1,397,117.06
Add: Total Receipts			
	Rates	563,825.59	
	Debtors	22,917.76	
	Miscellaneous	60,590.09	
	Interest	734.36	
	Redeemed Investments	500,000.00	
	Monthly BAS Returns	48,988.00	
	Apprenticeship Incentives	9,381.12	
	Flood Mitigation Grant	87,157.20	
	Heritage Grant	6,000.00	
			1,299,594.12
Less: Total Payments			1,467,432.73
	New Investments	0	
Closing Combined Cashbook Balance			<u>1,229,278.45</u>
Closing Bank Statement Balance	Bendigo Bank	623,765.65	
	Macquarie Bank	558,009.63	
	Bendigo Bank-Prichard Trust	31,654.53	
			1,213,429.81
Add: Outstanding Deposits			18,185.10
			1,231,614.91
Less: Outstanding Cheques			2,336.46
Closing Combined Cashbook Balance			<u>1,229,278.45</u>
	Interest Rate per	Amount	
Investments:	Annum	Invested	% of Total
Bendigo	0.30	500,000.00	8.55
Bendigo	0.30	500,000.00	8.55
Bendigo	0.30	400,000.00	6.84
Bendigo	0.10	50,000.00	0.85
Bendigo	0.10	50,000.00	0.85
Bendigo	at call	100,000.00	1.71
CBT	0.28	500,000.00	8.55
CBT	0.22	250,000.00	4.27
CBT	0.24	500,000.00	8.55
CBT	0.26	500,000.00	8.55
NAB	0.27	500,000.00	8.55
NAB	0.30	500,000.00	8.55
NAB 231101546	0.25	500,000.00	8.55
T Corp	at call	1,000,000.00	17.09
		<u>5,850,000.00</u>	
			AMOUNT
General (PTD)		1490-3000-0000	-1,033,055.48
Combined Sewerage		8490-3000-0000	2,230,679.40
Trust Fund		9991-3000-0000	31,654.53
		<u>1,229,278.45</u>	<u>1,229,278.45</u>
	TOTAL FUNDS HELD ARE:		<u>7,079,278.45</u>

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 to Sept 2021, the average end of month balance of funds invested has been \$6.02 million and the average return on invested funds has been 0.24%. On these year to date figures, Council's budgeted income on investments will be under budget for the General Fund and Sewer Fund.

This will be monitored and if required adjusted at the 1st Quarterly Budget Review.

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 September 2021 Investment and Bank Balances Report be received and noted.
- b) That the Responsible Accounting Officer Statement be noted, and the report be adopted.

12. AUDITED FINANCIAL STATEMENTS – 2020/2021

(DCCS: 21/13197)

Executive Summary

The purpose of this report is to address the requirement for Council and Management to make a statement as to the preparation and content of the General Purpose and Special Purpose Financial Statements for the 2020-21 financial year.

Report

The Local Government Act 1993 (The Act) requires Council to produce General Purpose Financial Statements and Special Purpose Financial Statements for inclusion in Council's Annual Report. These statements are to be externally audited prior to being adopted by Council for publication.

The Act also requires Council to resolve prior to submission to the external auditor that the accounts have been prepared in accordance with the Act and the Australian Accounting Standards to fairly represent Council's financial position. Senior staff are also required to certify the accounts to this effect. General Purpose Financial Statements and Special Purpose Financial Statements are to be signed by Councillors and Management after being adopted at the Council meeting to be held on 18 October 2021.

Integrated Planning and Reporting Reference

- E1 Continue to develop sound financial management policies and practices.
- E1 Meet all governance and regulatory requirements in the conduct of Council operations.

Legislative Policy & Planning Implications

Section 413 (2) (c) of the Local Government Act 1993 states that a council's financial reports must include a statement in the approved form by the council as to its opinion on the general purpose financial report.

Budget & Financial Aspects

Reporting on Council's financial performance for the 2020-2021 financial year.

Attachments

To be provided under separate cover, prior to Council meeting:

- 1. Statement by Councillors and Management – General Purpose Statements.
- 2. Statement by Councillors and Management – Special Purpose Statements.

3. Schedule of restricted funds by Council as at 30 June 2021.
4. Draft General Purpose and Special Purpose Financial Statements:
 - a) Income Statements
 - b) Balance Sheet/Financial Position
 - c) Cash Flow

Recommendation: That Council certify in its opinion the General Purpose Financial Statements and the Special Purpose Financial Statements as prepared, are in accordance with the attached certificates and that the certificates be completed by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer.

13. RETURNS DISCLOSING INTERESTS OF COUNCILLORS AND DESIGNATED PERSONS
(GM: 21/10771)

Executive Summary

The Register of returns disclosing interests by councillors and designated persons is tabled in accordance with Section 440AAB of the Local Government Act.

Report

Pursuant to Clause 4.21 of the Code of Conduct a councillor or designated person must make and lodge with the general manager a return in the form set out in Schedule 2 of the Code, disclosing the councillor's or designated person's interests as specified in Schedule 1 to the Code within three months after becoming a councillor or designated person, and 30 June of each year.

Therefore, councillors and designated persons holding that position at 30 June in any year must complete and lodge the disclosure of interest return with the general manager within three months after that date, i.e. by 30 September. Those councillors elected for the first time at the local government elections held on 4 December 2021 have until 4 March 2022 to complete and lodge the return.

For the purposes of lodging a disclosure of interests return the designated persons include the General Manager, Director Engineering and Environmental Services and Director Corporate and Community Services.

Returns required to be lodged with the general manager must be tabled at the first Council meeting held after the last day for lodgement.

The returns lodged by Councillors and designated persons before the deadline of 30 September 2021 have been recorded in the Register and the Register will be tabled at the meeting in accordance with the Local Government Act.

Integrated Planning and Reporting Reference

E1 Meet all governance and regulatory requirements in the conduct of council's operation.

Legislative Policy & Planning Implications

Section 440AAB states that the general manager must keep a register of returns disclosing interests that are required to be lodged with the general manager under a code of conduct. Returns required to be lodged with the general manager must be tabled at a meeting of the council, being the first meeting held after the last day specified by the code for lodgement.

Councillors' and designated persons' returns of interests are prescribed as open access information for local government under Schedule 1 to the *Government Information (Public Access) Regulation 2018*.

Budget & Financial Aspects

Nil.

Attachments

The Register of Disclosure of Interests Returns will be tabled at the meeting.

Recommendation: That the tabling of the Register of Disclosure of Interests Returns be noted.

14. POLICY REVIEW – POLICY 3.3 BULLYING AND HARASSMENT

(GM: 21/12690)

Executive Summary

Policy 3.3 relating to bullying and harassment in the workplace is scheduled for review 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 3.3 relating to bullying and harassment in the workplace is now due for review in accordance with the scheduled three-year cycle referred to in Policy No. 1.0.

Since the Policy was last reviewed by Council in 2018, provisions relating to bullying and harassment in the workplace have been incorporated into the revised Model Code of Conduct prescribed by the regulations in 2020 and adopted by Council.

Accordingly, Policy 3.3 has been undated to ensure consistency with the Code of Conduct.

The updated policy, a copy of which is attached, also includes a provision that training in the Code of Conduct, and specifically in bullying and harassment, will be mandatory for all new employees by incorporating the training in induction procedures for new employees.

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.
- E1 Attract and retain a quality workforce.

Legislative Policy & Planning Implications

Section 440 of the Local Government Act 1993 provides that Council must adopt of Code of Conduct that incorporates the provisions of the Model Code of Conduct prescribed by the Regulations. The Model Code of Conduct includes provisions relating to bullying and harassment in the workplace.

Budget & Financial Aspects

Nil.

Attachments

- Policy 3.3 Bullying and Harassment

Recommendation: That Policy 3.3 Bullying and Harassment, as presented, be adopted

[Next Item](#)

Item 14: Attachment – Policy 3.3 Bullying and Harassment

3.3 Bullying And Harassment

POLICY TITLE: BULLYING AND HARASSMENT

FILE REF: SC66

REVIEW DATE: OCTOBER 2024

OBJECTIVE

Everyone has a right not to be bullied at work. Lockhart Shire Council is committed to providing employees with a work environment which is free of intimidation, threat, offence and humiliation. Lockhart Shire Council will not tolerate any form of bullying and harassment.

This Policy should be read in conjunction with the Model Code of Conduct for local councils in NSW. The Code of Conduct includes provisions regarding general conduct obligations with specific reference to harassment, discrimination and bullying.

POLICY STATEMENTS

Harassment and discrimination

You must not harass or unlawfully discriminate against others or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

For the purposes of this Policy, “harassment” is defined as any form of behaviour towards a person that:

- a) is not wanted by the person
- b) offends, humiliates or intimidates the person, and
- c) creates a hostile environment.

Bullying

You must not engage in bullying behaviour towards others.

For the purposes of this Policy, “bullying behaviour” is defined as any behaviour in which:

- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
- b) the behaviour creates a risk to health and safety.

Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

- a) aggressive, threatening or intimidating conduct
- b) belittling or humiliating comments
- c) spreading malicious rumours
- d) teasing, practical jokes or ‘initiation ceremonies’
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker’s skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

What is not Bullying

Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this Policy. Examples of reasonable management action may include, but are not limited to:

- a) performance management processes

- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

How is Bullying Different to Discrimination?

Discrimination happens when there is adverse action, such as firing or demoting someone, because of a person's characteristics like their race, religion or sex.

Bullying happens when someone in the workplace repeatedly behaves unreasonably towards another person or group of people and causes a risk to health and safety in the workplace. This behaviour doesn't have to be related to the person or group's characteristics and adverse action doesn't have to have happened.

Who is Protected from Bullying in the Workplace

This Policy applies to: -

- a) All workers including full-time, part-time, permanent, temporary and casual employees.
- b) Contractors or subcontractors
- c) Work experience students
- d) Volunteers.

Reporting Bullying and Harassment

If you think bullying or harassment is happening at your work, it should be reported to:

- A supervisor or manager
- A workplace health and safety representative
- The Human Resources/Work Health and Safety Co-ordinator

Training and Education

Training in the Code of Conduct, and in relation to bullying and harassment in the workplace, will be mandatory for all new employees and will be incorporated into Council's new employee induction procedures.

*Revised by Council – 18 October 2021
Refer Minute No. xxx/21*

*Revised by Council – 19 November 2018
Refer Minute No. 320/18*

*Adopted by Council – 21 March 2011
Refer Minute No. 43/11*

15. POLICY REVIEW – CYBER SECURITY AND INFORMATION SYSTEMS SECURITY

(GM: 21/12842)

Executive Summary

Policy 1.23 regarding the security of Council's information systems is tabled for review.

Report

Council's Policy Review Timetable provides for policies to be reviewed every three years unless a review in advance of the scheduled review date is prompted by 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 1.23 Information Systems Security was recently reviewed at the July 2021 Council meeting in accordance with Council's Policy Review Timetable. However, a more comprehensive review of the Policy has been completed since that time. The more recent review has been prompted by the following:

- A focus on cyber security issues by the Audit Office of NSW
- An internal audit of Council's information technology systems recently undertaken in conjunction with other member councils of the Internal Audit Alliance
- Engagement with Cyber Security NSW and arrangements put in place with that agency to take advantage of the services it offers

A copy of the revised Policy is attached. The main changes resulting from this more comprehensive review are summarised below.

- Much of the detail that was in the previous policy will now be documented in a procedures manual with the policy remaining a more high-level document. Bearing in mind cyber security is a very dynamic area, this approach will provide for a more responsive approach where procedures can be more readily modified and updated whilst remaining consistent with the principles and parameters outlined in the policy.
- The revised policy, as far as practicable, has regard to the baseline strategies recommended by the Australian Cyber Security Centre for the prevention, mitigation and recovery from cyber-attacks.
- The complimentary services arranged to be provided by Cyber Security NSW have been incorporated into the policy, including periodic vulnerability scanning, provision of alerts issued in relation to critical vulnerabilities and software releases as well as intelligence briefs in relation to ransomware operators, targeted victims and other emerging trends.
- Multi factor authentication is introduced for accessing the Council's cloud-based information systems from a new device for the first time.
- The revised policy requires cyber security awareness training to be provided to all staff with access to Council's IT systems and for the training to form part of the induction procedures for new employees.

It is anticipated that in the coming months periodic penetration testing of IT systems may also be added to the suite of complimentary services provided by Cyber Security NSW at which time the appropriate arrangements will be made and the procedures manual updated accordingly.

Integrated Planning and Reporting Reference

- E1 Minimise Council's exposure to risk and promote a strong risk management culture within Council.
- E1 Ensure appropriate IT systems are in place to support service delivery and accountability requirements.

Legislative Policy & Planning Implications

The revised policy and the related cyber security procedures will assist Council in addressing issues raised by the Audit Office of NSW and bring Council's cyber security activities closer to industry standards.

Budget & Financial Aspects

The additional cyber security measures incorporated into the revised policy not previously undertaken by Council are provided by Cyber Security NSW at no cost to Council.

Attachments

- Policy 1.23 Cyber Security and Information Systems Security

Recommendation: That Policy 1.23 Cyber Security and Information Systems Security, as presented, be adopted.

[Next Item](#)

Item 15: Attachment – Policy 1.23 Cyber Security and Information Systems Security

Policy 1.23 Cyber Security and Information Systems Security

POLICY TITLE: INFORMATION SYSTEMS SECURITY

FILE REF: SC490

EXPIRY DATE: OCTOBER 2024

OBJECTIVE

Information is an important, valuable asset of Council which must be managed and protected. All information has a value to the Council. However, not all information has an equal value or requires the same level of protection.

The aim of this Policy is to protect information against accidental or malicious disclosure, modification or destruction.

The Policy also establishes policy principles and parameters for the development of procedures to help identify, prevent, mitigate and recover from malicious attacks on Council's electronic information systems that may lead to data theft, unauthorised changes to information systems, fraud, business interruption, reputational damage and other related security risks.

SCOPE

This Policy applies to all Councillors, Staff, and Volunteers of the Council (including system support staff with access to privileged administrative passwords), contractual third parties and agents of the Council with any form of access to Council's electronic information systems.

REFERENCE DOCUMENTS

This Policy should be read in conjunction with the following Council policies and documents:

- a) Policy 1.7 Fraud Control Policy
- b) Policy 3.26 Computer, Internet, Email and Social Media Policy
- c) Cyber Security Procedures

INTEGRATED PLANNING AND REPORTING REFERENCE

This Policy, and the Cyber Security Procedures developed in accordance with the Policy, align with the objectives, strategies and actions contained in the Council's 2017-2027 Community Strategic Plan and 2017-2021 Delivery Plan as follows:

- a) Minimise Council's exposure to risk and promote a strong risk management culture within Council.
- b) Ensure appropriate IT systems are in place to support service delivery and accountability requirements.
- c) Maintain and develop a Records Management System that meets the needs of the organisation, the community and legislative requirements.

DEFINITIONS

Cyber security – the practice of defending computers, servers, mobile devices, electronic systems, networks and data from malicious attacks. It's also known as information technology security or electronic information security.

Cyber-attack – an assault launched by cybercriminals using one or more computers against a single or multiple computers or networks. A cyber-attack can maliciously disable computers, steal data, or use a breached computer as a launch point for other attacks.

Information security controls – measures taken to reduce information security risks such as information systems breaches, data theft, and unauthorized changes to digital information or systems.

IP Address – IP stands for Internet Protocol and an IP address is a unique address that identifies a device on the internet or a local network. In essence, IP addresses are the identifier that allows information to be sent between devices on a network. They contain location information and make devices accessible for communication.

The Essential Eight – a series of baseline mitigation strategies taken from the Strategies to Mitigate Cyber Security Incidents recommended for organisations by the Australian Cyber Security Centre (ACSC).

Vulnerability scanning – an assessment that’s performed without access to the network that’s being scanned. External scans target external IP addresses in one’s network, identify vulnerabilities as well as all the ports that can be accessed from the internet.

Multi-factor authentication – when a user must provide two or more pieces of evidence to verify their identity to gain access to an application or digital resource. Multi-factor authentication is used to protect against hackers by ensuring that digital users are who they say they are.

SECURITY VETTING

Any person wanting to access the Lockhart Shire Council’s information systems must be authorised to do so.

Potential new users of the Council’s information systems and assets must be identified, vetted and authorised before being given access to resources appropriate to their role.

Levels and areas of access approved are based on the following classifications:

- a) **Employees** – Employees are employed under the Local Government (NSW) State Award and are required to comply with Council policies and codes. Employees are vetted and given access to information systems appropriate to their role and delegations as part of their induction process. Employees are also trained in the particulars of Council’s information technology (IT) systems relevant to their role. Council’s Handbook for New Employees draws attention to relevant codes and policies including the Code of Conduct and Policy 3.26 Computer, Internet, Email and Social Media Policy.
- b) **Councillors** – Councillors are elected by the Shire’s residents and ratepayers in accordance with the Local Government Act and are required to comply with Council policies and codes relevant to their role or as legislated e.g., Code of Conduct. Councillors are provided with access to Council meeting business papers, including confidential reports, through a secure portal via Council’s website.
- c) **Privileged Users** – Privileged users are those given special access rights to the network to carry out specific maintenance functions and include the Council’s software suppliers, IT contractors and specialists. Their work is to be always carried out under the supervision of the Director of Corporate and Community Services.

CYBER SECURITY PROCEDURES

Cyber Security Procedures will be developed and maintained that, as far as practicable, have regard to the Essential Eight baseline strategies recommended by the ACSC as follows:

Prevention (prevent attacks)

1. Software Protection

Anti-virus software incorporating firewalls and other mechanisms that guard against cyber-attacks are to be installed and maintained on Council’s information systems.

2. Application Control

Only approved applications are to be executed on Council’s IT systems. Under no circumstances are software products not owned by or not legally in possession of the Council to be installed on Council equipment. Software obtained in confidence or under licence must only be used by staff members or authorised agents of the Council in accordance with relevant licence agreements.

Proposals for purchase of software for official Council purposes are to be directed to the Director of Corporate and Community Services.

3. Patch Applications and System Change Management

An important component of cyber security is ensuring that software applications and operating systems remain up to date. Updates are commonly referred to as “patches” and are released by the third-party vendor from whom the application has been purchased.

This is particularly important for Council’s financial and accounting software, Practical Plus, provided by Civica. The Procedures are to ensure that all changes made to Practical Plus are subject to appropriate testing and approval prior to implementation to prevent unauthorised or untested changes that may adversely impact Council’s operations.

4. Email Attachments and Internet Documents

Files opened from an internet location or received as a Microsoft Outlook attachment can have viruses and other harmful content embedded in them.

As a security measure the “automatically download attachments” setting is to be “turned off” and attachments from external emails and documents sourced from the internet are in the first instance to be opened in “Protected View”.

5. Vulnerability Scanning

An external vulnerability scan is an assessment that's performed without access to the network that's being scanned. External scans target external IP addresses in one's network, identify vulnerabilities as well as all the ports that can be accessed from the internet.

Periodic vulnerability scanning is to be performed on Council's externally facing IP Addresses in consultation with Cyber Security NSW.

6. Reports and Alerts

Cyber security is a dynamic and rapidly changing field. In order to remain abreast of developments Council will engage with Cyber Security NSW which provides information, guidance and assistance with cyber security matters including alerts issued in relation to critical vulnerabilities and software releases as well as intelligence briefs in relation to ransomware operators, targeted victims and other emerging trends.

7. Training and Education

Employees can be the first and last line of defence against cyber threats and for this reason having a cyber security training program is vital.

Cyber Security Awareness training is to be provided to all staff with access to Council's electronic information systems and form part of the induction program for new employees.

Mitigation (limit extent of attacks)

1. Restrict administrator and user privileges

Users of Council's electronic information systems will be given privileges and access rights that are commensurate with the tasks they are expected to perform.

When an employee leaves the Council their access to information systems and data is to be suspended at the close of business on the employee's last working day.

A periodic review of access rights will be undertaken to ensure all existing users are authorised to retain access and that the level of access provided to each user is commensurate with the tasks they are expected to perform.

2. Multi-factor authentication

All users must be allocated access rights and permissions to electronic information systems and data that require multi-factor authentication to protect against hackers by ensuring that digital users are who they say they are.

Recovery (recover data and system availability)

1. Back-ups

In order to regain access to electronic data in the event of the loss or unavailability of data processing systems, data back-up procedures will be established and maintained to ensure a daily back-up copy of Council's data is maintained "off-site".

2. Security Incidents

Security incidents are events in which the security of the Council's intellectual property or information assets is actually or potentially compromised.

The Cyber Security Procedures will provide for the investigation of security incidents to determine exactly what occurred, assess the degree of compromise of information, operations or resources, and make recommendations to minimise the possibility of the incident re-occurring.

Significant breaches are to be reported to Cyber Security NSW via report@cyber.nsw.gov.au.

If the breach is of a serious nature involving criminal activity, or compromise of very sensitive information, the incident is to be reported to the Police.

RECORD KEEPING

All records pertaining to system change management and periodic reviews of user access are to be registered in Council's electronic document and records management system, Content Manager 9.

Details of cyber awareness training provided to employees with access to Council's electronic information systems is to be maintained on individual employee files.

A Register is to be maintained containing the dates and times that periodic vulnerability scanning is performed by Cyber Security NSW together with information regarding the results of the scanning and any action taken in response to those results.

A Register of security incidents is to be maintained recording the details of each event and the action taken if any.

MONITORING OF INFORMATION SYSTEMS

On a continuous and ongoing basis Council may carry out computer surveillance of any user at such times of Council's choosing and without further notice to any user in accordance with Policy 3.26 Computer, Internet, Email and Social Media Policy.

*Adopted by Council 18 October 2021
Refer minute xxx/21*

*Adopted by Council 19 July 2021
Refer minute 125/21*

*Adopted by Council 16 July 2018
Refer minute 199/18*

16. REVISED RATE PEG METHODOLOGY

(GM: 21/12988)

Executive Summary

The NSW Government has announced a change to the rate peg methodology based on a proposal from the Independent Pricing and Regulatory Tribunal (IPART). As a result of the changes a different rate peg will apply to each Council as opposed to a single rate peg being set for all councils in the State.

Report

The amount by which councils are permitted to increase revenue from ordinary rates from one year to the next is limited by what is commonly referred to as the rate peg.

IPART sets the rate peg each year under the terms of a delegation from the Minister for Local Government.

In December 2020 IPART was asked to review the rate peg methodology and to report to the Minister by September 2021.

As part of this review, IPART released an Issues Paper on 25 March 2021, a Draft Report on 29 June 2021 and held an online Public Hearing on 20 July 2021. On 10 September 2021 IPART provided the Final Report on its review to the Minister.

IPART proposed that a different rate peg apply to each council to permit that council to increase its notional general income by a population factor. This is in line with a commitment from the NSW Government to allow councils to align their income with population growth to better support growing communities across the State.

IPART has advised that this option will maintain total general income on a per capita basis over time, applies to all councils and recognises that councils have different service levels and costs.

This new population factor will be different for each council, adding any increase to its residential population, as published by the Australian Bureau of Statistics, and then deducting revenue that council has received from supplementary valuations.

The NSW Valuer General can issue supplementary valuations of properties outside the 3 to 4-year general cycle if changes are recorded on the Register of Land Values. If this results in increased land values, councils receive increases to their general income outside the rate peg.

IPART will also correct the population factor for all councils to reflect the difference between estimated and actual population growth when data from the recent census is released, and, going forward, correct the population factor after each census if the difference in estimated compared to actual population growth for a council is greater than 5%.

Integrated Planning and Reporting Reference

- E1 Advocate and prepare for the long term sustainability of our Shire.
- E1 Continue to enhance sound financial management policies and practices.
- E1 Meet all governance and regulatory requirements in the conduct of Council's operations.

Legislative Policy and Planning Implications

The new methodology will increase revenue for many councils serving growing communities. No council will be worse off under the new methodology.

To prepare for the revised rate peg methodology, an amendment to the Local Government Act 1993 was made earlier this year to ensure that multiple rate pegs may be set.

Budget and Financial Aspects

Councils with growing residential populations will be able to raise notional general income by an additional population factor as part of the rate peg from 2022/23. Lockhart Shire Council has been experiencing positive population growth since the 2016 census.

Whilst the impact on Council's 2022/23 budget will not be known until the rate peg is set for that year, IPART has estimated that, for example, over the past four years, the new rate peg methodology would have increased total general income for the local government sector by 1.5%.

Attachments

Nil.

Recommendation: That the information be noted.

17. LOCAL GOVERNMENT ELECTIONS

(GM: 21/12989)

Executive Summary

The Office of Local Government (OLG) has prepared a *Pre-Election Guide for Councils*. The Guide provides updated and comprehensive guidance to councils on key tasks that need to be completed prior to the council election.

The Guide also provides guidance to councils on the rules, restrictions and other considerations that apply to the decisions councils make and the way they exercise their functions in the lead up to the election.

Report

The *Pre-Election Guide for Councils* issued by the OLG provides guidance on the rules, restrictions and other considerations that apply to the decisions councils make and the way they exercise their functions in the lead up to the election. A copy of the guide can be downloaded from the OLG website at <https://www.olg.nsw.gov.au/wp-content/uploads/2021/10/Pre-Election-Guide-2021.pdf>. In particular the following matters are brought to Council's attention:

The use of council resources for election purposes

The rules governing the use of council resources for election purposes are prescribed under the *Model Code of Conduct for Local Councils in NSW*. There are two key obligations:

- Cause 8.17 provides that council resources (including council staff), property or facilities must not be used for the purpose of assisting anyone's election campaign unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- Cause 8.18 provides that council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material must not be used for the purpose of assisting anyone's election campaign.

Council "resources" include council ICT (including phones, social media sites, phone, email addresses), intellectual property, staff and council facilities.

Council publications during the "regulated period" in the 40 days prior to the election

To keep elections fair, and ensure voters are not misled, there are strict rules about the information that candidates and their supporters can publish or distribute.

These rules apply during what is known as the "regulated period". The "regulated period" starts when the electoral rolls close 40 days before election day and ends on election day. The "regulated period" commences on Monday 25 October 2021.

The key requirement is that all "electoral material" published or distributed during the "regulated period" must contain the name and address of the person who authorised the material and the name and address of the printer.

Attendance by the mayor and councillors at council and community events prior to the election

Mayors and councillors will continue to need to exercise their official functions in the lead up to the election. This is both permissible and appropriate.

Mayors or councillors who are candidates may continue to attend or preside over council-arranged or community events in the lead up to the election in an official capacity.

However, mayors or councillors who are candidates must not use council arranged events that they attend in an official capacity to actively campaign for re-election.

Media comment by the mayor and councillors prior to the election

There is nothing to prevent the mayor or councillors who are candidates from offering media comment, provided that comment is not made in an advertisement, newspaper column, or a radio or television broadcast paid for by the council or produced by the council or with council resources.

When making media and any other public comment, mayors and councillors should continue to comply with the council's adopted media policy.

Caretaker restrictions in the 4 weeks preceding election day

Under the *Local Government (General) Regulation 2005* councils assume a "caretaker" role in the four weeks preceding the election day. The caretaker restrictions are designed to prevent outgoing councils from making major decisions that will bind the new council or limit its actions.

The caretaker period commences on Friday 5 November 2021 and ends on Saturday 4 December 2021.

During the caretaker period, councils, general managers and other delegates of councils must not exercise the following functions:

- Enter into any contract or undertaking involving an expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger).
- Determine a "controversial development application", except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period, or
- Appoint or reappoint the council's general manager (except for temporary appointments).

"Controversial development application" means a development application for designated development under section 4.10 of the *Environmental Planning and Assessment Act 1979* for which at least 25 persons have made submissions during community consultation.

Planning for the first council meeting following the election

In response to changing postal delivery services, on the advice of the NSW Electoral Commission, the time for the receipt of postal votes has been extended to 13 days after election day. This change has been made to provide a greater opportunity for valid postal votes to be received and counted.

This change will mean that the council elections held on 4 December 2021 are not likely to be declared before 21 December 2021.

Councils that elect their mayor must hold a mayoral election within 3 weeks of the declaration of the ordinary election and are required to schedule a meeting for this purpose within 3 weeks of the declaration of the election.

A separate report will be presented to the November 2021 Council meeting with a view to rescheduling the December 2021 ordinary meeting of council to a date in January 2022 that is within three weeks of the election results being declared.

Integrated Planning and Reporting Reference

E1 Promote the increased participation of local people in local government and the community.

E1 Meet all governance and regulatory requirements in the conduct of council's operations

Legislative Policy & Planning Implications

Rules about the information that candidates and their supporters can publish or distribute are prescribed under the *Local Government (General) Regulation 2005*.

Budget & Financial Aspects

Provision has been made in the 2021/22 budget for the conduct of the council elections based on an estimated provided by the NSW Electoral Commission (NSWEC).

The NSW Government has provided additional funding to the NSWEC to cover any increased costs associated with conducting a COVID safe election so that these costs are not passed on to councils.

Attachments

A copy of the *Pre-Election Guide for Councils* can be downloaded from the OLG website at <https://www.olg.nsw.gov.au/wp-content/uploads/2021/10/Pre-Election-Guide-2021.pdf>.

Recommendation: That the information be noted.

QUESTIONS AND STATEMENTS

CLOSED SESSION

Nil.