



MINUTES

of the
Ordinary Meeting
Held
20 September 2021

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

**Minutes of the Ordinary Monthly Meeting of Lockhart Shire Council held in the Council Chambers,
Lockhart on Monday, 20 September 2021 commencing at 5.00pm.**

PRESENT

Cr R Schirmer (Mayor), Cr G Verdon (Deputy Mayor), Cr M Day, Cr G Driscoll, Cr I Marston, Cr A Rockliff, Cr P Sharp and Cr J Walker.

Also in attendance were the General Manager, Director Corporate and Community Services, Director Engineering & Environmental Services, and Executive Assistant.

The meeting opened with a prayer.

APOLOGIES

153/21 RESOLVED on the motion of Crs Walker and Sharp that the apologies from Cr D Douglas be accepted and leave of absence be granted.

LEAVE OF ABSENCE

Cr Derek Douglas

CONFIRMATION OF MINUTES ORDINARY MEETING, 16 AUGUST 2021

154/21 RESOLVED on the motion of Crs Rockliff and Day that the Minutes of the Ordinary Meeting held on Monday, 16 August 2021 as printed and circulated be taken as read and confirmed.

SUSPENSION OF STANDING ORDERS

155/21 RESOLVED on the motion of Crs Marston and Walker that Standing Orders be suspended to allow representatives of Inland Rail to present to the Meeting and also Mr Gordon Hinds of Better Energy Technology to give an update on the solar energy project, the time being 5.02 pm.

RESUMPTION OF STANDING ORDERS

156/21 RESOLVED on the motion of Crs Marston and Day that Standing Orders resume, the time being 5.40 pm.

DECLARATION OF PECUNIARY AND NON-PECUNIARY INTERESTS

Cr Schirmer declared a non-pecuniary interest in Item 7 – Lockhart Showground Pavilion, as a member of the Lockhart Showground and Racecourse Management Committee.

Cr Day declared a non-pecuniary interest in Item 7 – Lockhart Showground Pavilion, as Council's delegate to and Chair of the Lockhart Showground and Racecourse Management Committee.

MAYORAL MINUTE

Nil.

MAYORAL REPORT

The Mayor, Cr Schirmer, verbally reported on activities during the past month as follows:

- | | |
|--------------|--|
| 18 August | Attended a REROC Critical Events Coordination Committee meeting via Zoom. |
| 27 August | Attended the REROC & RIVJO Board meetings, with the General Manager, via Zoom. |
| 2 September | Attended the Regional Development Australia Riverina meeting, with the General Manager and Tourism & Economic Development Officer, via Zoom. |
| 10 September | Showed support of White Balloon Day – against child sexual assault – by wearing the supplied badge. |

157/21 RESOLVED on the motion of Crs Sharp and Walker that the Mayoral Report be received.

URGENT MATTERS

Nil.

NOTICE OF MOTION

Nil.

COMMITTEE REPORTS

Nil.

DELEGATES' REPORTS

1. RIVERINA JOINT ORGANISATION BOARD MEETING AND REROC BOARD MEETING – 27 AUGUST 2021

(GM: 21/11111)

I participated in the Riverina Joint Organisation (RIVJO) Board Meeting remotely via Zoom on 27 August 2021 together with the General Manager. The following matters were noted: -

- The next round of project-based capacity building funding received from the NSW Government will be used to continue the existing Skill Shortages in Local Government project and an economic development project focusing on how local councils can capitalise on the significant number of major projects currently being planned in the region.
- A draft Regional Housing Strategy was tabled. The Strategy has been developed following a series of workshops convened over recent months.
- As a result of the Strategy, RivJO is working on a Land Monitor project with Regional Development Australia – Riverina.
- The CEO of the Murrumbidgee Local Health District addressed the meeting in relation to the COVID-19 pandemic.
- The Board meeting scheduled to be held in Canberra on 26/27 August 2021 has been rescheduled to the end of October, COVID permitting.

I also participated in the REROC Board Meeting remotely via Zoom on 27 August 2021 together with the General Manager. Points of interest arising from the meeting include the following:

- It was noted that the Commonwealth Parliament's Standing Committee on Tax and Revenue is conducting an Inquiry on housing affordability and supply and that this will present an opportunity for REROC to make a submission based on the Regional Housing Strategy that has been prepared.
- The "No Time To Waste" Conference has been postponed from October 2021 to March 2022 due to the COVID-19 pandemic and resulting restrictions.
- E-waste recycling arrangements have been reinstated with Kurrajong Recycling in Wagga Wagga.
- The tender process for waste metal has been finalised resulting in a significant increase in price being offered for waste metal.
- Lockhart and The Rock Central Schools, St Joseph's School at Lockhart and the Pleasant Hills Public School are all participating in REROC's Waste Forum 2022 Kindy Kits with the distribution of Kindergarten Library Bags and REROC Waste Forum material.

Cr Rodger Schirmer

Mayor

Recommendation: that the Delegate's Report be received.

158/21 RESOLVED on the motion of Crs Verdon and Day that the Delegate's Report be received.

2. RIVERINA WATER COUNTY COUNCIL BOARD MEETING - 24 AUGUST 2021

(GM: 21/11285)

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

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

The update relating to the Board meeting held on 24 August 2021 has been received and has been distributed separately to Councillors.


CHAIRPERSON

Recommendation: that the information be noted.

159/21 RESOLVED on the motion of Crs Walker and Driscoll that the information be noted.

STATUS REPORT/PRÉCIS OF CORRESPONDENCE ISSUED

Status Report: Council Resolutions and Tasks to be finalised

File Ref: 21/10470

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 16 August 2021			
148/21	GM	<p>Proposed “Tim Fischer Way” Council to reinstate investigations into the erection of tourism signage indicating “Tim Fischer Way”.</p>	Correspondence has been forwarded to the Federation and Narrandera Councils, The Member for Wagga, Dr Joe McGirr MP and to Wes Fang MLC.
146/21	GM	<p>Classification of Land – 109 Green Street, Lockhart That Council classify the land situated at 109 Green Street, Lockhart comprising Lot 2 DP1016809, Lot A DP409130 and Lot 2 DP205729, as “operational” land.</p>	Council’s Register of Operational Land has been updated. Complete.
145/21	GM	<p>Postponement of Local Government Elections & Council Meeting Schedule That:</p> <ol style="list-style-type: none"> 1. Council notes the revised timeline for the local government elections. 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. 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. 	<ol style="list-style-type: none"> 1. Complete 2. Report to be tabled at the November ordinary meeting. 3. Workshop to be convened prior to October Council meeting.
142/21	GM	<p>Inland Rail Project – Memorandum of Understanding That Council enter into the Memorandum of Understanding with Laing O’Rourke Australia Construction Pty Ltd, for the purposes of working collaboratively for mutual benefit should the Company’s tender for the Inland Rail project be successful.</p>	MoU signed and returned to Laing O’Rourke, Complete.


 CHAIRPERSON

Lockhart Shire Council
Ordinary Meeting – 20 September 2021

Minute No:	Officer to Action	Council Resolution	Action Taken
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>	Awaiting confirmation of rescheduled date.
139/21	GM	<p>The Rock Regional Observatory Project – CSU Loan Agreement</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Authorise the General Manager to execute the “Agreement for loan of telescope and access to facility – The Rock Observatory”. 2. Establish a Committee pursuant to section 355 of the Local Government Act and delegate to that Committee care, control and management of The Rock Observatory. 	<ol style="list-style-type: none"> 1. Agreement executed and forwarded to CSU for signing. Complete. 2. Correspondence has been forwarded to The Rock Progress Associate and an amateur astronomer with a long standing interest in the project to participate on the management committee both of whom have accepted. Complete.
Ordinary Council Meeting held 21 June 2021			
101/21	DEES	<p>Lockhart Main Street Maintenance</p> <ol style="list-style-type: none"> 1. Council adopts a revised cleaning program for Lockhart town centre as follows: <ol 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 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. 	<ol style="list-style-type: none"> 1. Correspondence forwarded to building owners in Green Street Lockhart, between Matthews and Urana Street for response by 19 July 2021. Twenty-nine letters were sent, 19 responses were received, 13 would like netting, six do not. Currently procuring contractor to install netting. 2. First Quarterly Budget Review to be tabled at the November 2021 Council meeting.


 CHAIRPERSON

Lockhart Shire Council
Ordinary Meeting – 20 September 2021

Minute No:	Officer to Action	Council Resolution	Action Taken
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>	Works commenced.
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>	Arrangements currently being made for the preparation of the development application.
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>	Referred to August meeting of TEDSC. Committee met without a quorum. To be referred to next TEDSC meeting.
26/21	TEDO	<p>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.</p>	Added to project list. TEDO to discuss with Facilities Manager.
Ordinary Council Meeting held 15 February 2021			
22/21	GM	<p>Offer to Purchase Industrial Land</p> <p>Council authorises the General Manager to negotiate the sale of Lots 22, 23 and 24 Harry Davies Drive as outlined in the Report.</p>	<p>The completion of the DA process is awaited before progressing the negotiations.</p> <p>DA was submitted during week ending 3/09/21 and is currently being assessed.</p>

Lockhart Shire Council
Ordinary Meeting – 20 September 2021

Minute No:	Officer to Action	Council Resolution	Action Taken
12/21	GM	<p>Preparation of Plans of Management – Crown Reserves etc</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>1) Complete.</p> <p>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.</p> <p>3) Pending. Crown Lands Office approval is required before Draft Plan of Management is placed on public exhibition.</p>
9/21	DCCS	<p>The Lockhart Recreation Ground Management Committee – Request for Financial Assistance</p> <p>Approve an interest-free loan to the Lockhart Recreation Ground Management Committee of up to \$70,000 with repayments being Year 1 \$4,200 and the remaining 14 years will be repayments of \$4,700 to support an application to Building Better Regions Fund – Infrastructure Projects Stream – Round Five.</p>	<p>This resolution will be actioned if the application to the Building Better Regions Fund – Infrastructure Projects Stream – Round Five is successful.</p> <p>Funding body expect to announce successful projects by mid-October.</p>
8/21	DCCS	<p>Lockhart Railway Building</p> <p>Council:</p> <p>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.</p> <p>b) Develop a scope of works to repair the old Railway Station Building with a report to Council at a future meeting.</p>	<p>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.</p> <p>b) Scope of works being developed. Stronger Communities Program Round 6 grant funding of approx. \$18,000 received to assist with works.</p>
6/21	DEES	<p>Recreational Vehicles (RV's) and Caravan Parking in Lockhart CBD</p> <p>Council to investigate and implement RV and Caravan Parking in locations in Green Street (Plan 3 and Plan 6 of the Lockhart Business Centre Master Plan) as well as Urana Street and Matthews Street, Lockhart, including an education program, as recommended by Council's Tourism and Economic Development Steering Committee.</p>	<p>Investigation completed. Dedicated RV parking locations in Green/Urana Street near museum supported. 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>

Lockhart Shire Council
Ordinary Meeting – 20 September 2021

Minute No:	Officer to Action	Council Resolution	Action Taken
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. Currently preparing the development application for 109 Green Street.</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>

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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. Last correspondence on 1/09/2021.</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>Gordon Hinds of Better Energy Technology was to present an update to the July Council meeting but due to COVID-19 restrictions this has been rescheduled to the September meeting.</p>
Ordinary Council Meeting held 16 August 2021 – Councillor Questions & Statements			
Questions & Statements	DEES	<p>Cr Marston: Road Damage, Cnr Rods Rd</p> <p>Cr Marston advised of a damaged surface on the corner of Rods Road and the Olympic Highway after Riverina Water repaired a burst water main. The gravel that was placed as part of the repair has sunk, creating a pothole.</p>	Complete.
	DEES	<p>Cr Sharp: Recycling, Pleasant Hills Tip</p> <p>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.</p>	Arranging for bin to be placed at Pleasant Hills tip.

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 CHAIRPERSON

Lockhart Shire Council
Ordinary Meeting – 20 September 2021

Minute No:	Officer to Action	Council Resolution	Action Taken
	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.	General Manager advised that Council is awaiting written notification of a decision from The Rock Show Society on the options proposed and that he will seek written confirmation of the decision taken at the recent AGM.
Ordinary Council Meeting held 19 July 2021 – Councillor Questions & Statements			
Questions & Statements	DCCS	Cr Marston: The Rock Recreation Ground Advised that the track around the oval requires grading and asked if that work is included in the current oval upgrade project, or if it would be undertaken separately.	Work carried out in week ending 13 August 2021. Complete.
Ordinary Council Meeting held 21 June 2021 – Councillor Questions & Statements			
Questions & Statements	GM	Cr Driscoll: Proposed Community Centre Drew Council's attention to a block of land on the corner of Burke and Ford Streets, beside the Uniting Church, as a possible space for a community centre and asked if Council could approach the owner?	Refer separate report to the Ordinary Council meeting held on 20/09/21 (Item No. 14, Closed Session)
	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.

Lockhart Shire Council
Ordinary Meeting – 20 September 2021

Minute No:	Officer to Action	Council Resolution	Action Taken
	DCCS	Cr Schirmer: Internet Availability, Bidgeemia Advised that property owners in the Bidgeemia area have no internet service and requested that Council enquire with telecommunications providers about placing a repeater on Bidgeemia Hill to assist with reception?	RivJO's Telecommunications sub-committee is continuing its representations to Telstra regarding connectivity issues and Black Spot funding. Complete.
Ordinary Council Meeting held 19 April 2021 – Councillor Questions & Statements			
	DEES	Cr Verdon – Linemarking, Urana Street, The Rock Asked if there was a date programmed for linemarking to occur in Urana Street as heavy vehicles are still travelling down the smaller side roads.	Complete.
	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	DEES	Cr Verdon – The Rock Post Office Asked if it would be possible to place signage such as "Loading Zone" 6-8am and 4-6pm in an appropriate place outside the Post Office to assist with delivery/collection of parcels.	Complete.
	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).

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Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 21 December 2020 – Councillor Questions & Statements			
Questions & Statements	GM	Cr Verdon – Community Land Requested an investigation of the vacant land next to the Men's Shed and its potential use for community purposes.	Refer separate report to the Ordinary Council meeting held on 20/09/21 (Item No. 14 Closed Session)
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 RockOOSH 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.
Ordinary Council Meeting held 20 November 2017 – Councillor Questions & Statements			
Questions & Statements	GM	Cr Marston – Potential Purchase of Land for Development 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.	Discussions have been held with Council's agent and the availability of suitable developable land coming on to the market is being monitored. 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. Council has resolved to support a rezoning proposal that will facilitate a private residential development at The Rock. Item 8 – Planning Proposal PP01/22 in the September Business Paper sets out the revised rezoning proposal.

August 2021 - Correspondence Sent to Councillors

Date sent to Councillors	From	Subject	File Ref
23/8/2021	LG NSW/ALGA	Weekly news dated 19/8 and 20/8 respectively.	
3/9/2021	LG NSW	Weekly news dated 24/8 and 31/8 respectively.	
6/9/2021	ALGA	Weekly news dated 3/9/2021.	
6/9/2021	Mayor, Cr Schirmer	Update on various matters.	
14/9/2021	LG NSW	Weekly news dated 7/9/2021.	
15/9/2021	LG NSW	Weekly news dated 14/9/2021.	

This is page 13 of the Minutes of the Ordinary Monthly Meeting of the Lockhart Shire Council held in the Council Chambers, Green Street, Lockhart – 20 September 2021.


 CHAIRPERSON

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

160/21 RESOLVED on the motion of Crs Driscoll and Day that the Status Report and Correspondence Précis be received.

STAFF REPORTS

STRATEGIC DIRECTION A: A Connected and Resilient Community

3. AUSTRALIA DAY AWARDS 2022

(GM: 21/11168)

Executive Summary

The purpose of this report is to outline the arrangements for the 2022 Australia Day celebrations and the Australia Day Awards nomination process.

Report

Australia Day 2021 will be celebrated on Wednesday 26 January 2022. In recent years the Council's Australia Day celebrations have been held at:

- 2021 Yerong Creek Public Hall
- 2020 The Rock Swimming Pool (hosted by The Rock Recreation Ground Committee)
- 2019 Lockhart Swimming Pool (hosted by Lockhart Football & Netball Club)
- 2018 Osborne Recreation Ground
- 2017 Yerong Creek Hall and Recreation Ground
- 2016 Pleasant Hills Recreation Ground

Based on the above rotation of venues the Pleasant Hills community was informally approached to gauge their interest in hosting the 2022 Australia Day event. The Pleasant Hills Tennis Club has agreed to host the event at the Pleasant Hills Recreation Ground.

It is proposed that nominations be invited for the following categories by the closing date of 1 November 2021:

- Citizen of the Year
- Young Citizen of the Year
- Sportsperson of the Year
- Australia Day Award.

A notice will be placed in Council's September and October Community Newsletter, be posted on Council's website and the Lockhart Community Facebook page as well as be placed in numerous shop windows in the Shire.

It has been Council's practice to appoint an Australia Day Awards Committee to consider the nominations received and make recommendations to Council. Last year the Awards Committee comprised Councillors Driscoll, Schirmer and Sharp.

It is proposed to table a further report at a forthcoming Council meeting to confirm the venue for the 2022 Australia Day celebrations.

Integrated Planning and Reporting Reference

A1 Facilitate and support our community to deliver vibrant and dynamic community events.

Legislative Policy & Planning Implications

Nil.

Budget & Financial Aspects

Provision has been made in Council's 2021/22 Operational Plan Budget for the hosting of the 2022 Australia Day celebrations and Awards ceremony.

Attachments

Nil.

Recommendation: That Council:

1. Appoint the Pleasant Hills Tennis Club as host of the 2022 Australia Day celebrations, and
2. determine the composition of the Australia Day Awards Committee for the 2022 Awards.

161/21 RESOLVED on the motion of Crs Marston and Sharp that Council:

1. Appoint the Pleasant Hills Tennis Club as host of the 2022 Australia Day celebrations, and
2. Retain the existing Australia Day Awards Committee comprising Crs Walker, Sharp and Day for the 2022 citizenship awards.

STRATEGIC DIRECTION B: A Dynamic and Prosperous Economy

Nil.

STRATEGIC DIRECTION C: An Environment that is Respected and Protected

4. PROJECT ENERGYCONNECT UPDATE

(GM: 21/10992)

Executive Summary

A further update is provided in relation to project EnergyConnect involving the construction of a new 330 kilovolt above ground transmission line between Robertstown in South Australia and Wagga Wagga in NSW.

Report

Project EnergyConnect is a joint project between South Australia's electricity transmission network provider, ElectraNet, and NSW's provider, TransGrid, and involves building a 900km long interconnector between South Australia and NSW that will allow power to flow between regions and provide for a greater mix of renewable energy. The corridor for the proposed transmission line will pass through numerous local government areas including Lockhart Shire.

A further update has been provided by TransGrid in relation to the progress of project. A summary of the information received is set out below.

Timeline

- Negotiations with landholders regarding land and easement acquisitions to continue in 2021.
- The Environmental Impact Statement is currently being prepared and expected to be submitted to the State Government and placed on public exhibition in January-February 2022.
- Planning determinations are anticipated by July 2022 with construction to commence after that.
- Construction, commissioning and testing to continue in 2023-2024.

Future Proofing

- TransGrid has 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.

- “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.
- Delivering a 500kV line would require structures (towers) at a similar height as the proposed 330kV line, being approximately 60m high. The main difference is that the ground-level footprint is slightly larger than a 330kV tower.
- The total proposed easement width would not grow, as the 80m easement currently proposed and under negotiation with landholders can safely accommodate either a 330kV or 500kV transmission line and is in line with TransGrid’s standard easement widths.
- TransGrid has begun informing landowners in the area of this possibility.
- If this option proceeds TransGrid will continue negotiations with landholders who are currently involved in the process. TransGrid does not believe there will be any need to involve new landowners in the process.
- TransGrid would also undertake additional valuation activities to amend the offer of compensation made to landholders earlier this year, so as to reflect any changes to potential land use or value (primarily related to structure footprint, the distance between structures, as well as additional considerations like amenity, construction disturbance and operational noise).

Consultation

- TransGrid’s route refinement activities are still ongoing, including in some areas within Lockhart Shire, and involving landholders in these discussions.
- Due to face-to-face public meetings not being possible under the recent COVID-19 restrictions, webinars are proposed to be held online from September. The webinars will be recorded and made available online so that interested persons who are unable to watch them live can view them at a more convenient time.
- Council will assist in distributing information regarding the webinars through its communications channels e.g., Council Newsletter, social media etc.)

Worker Accommodation

- For early works TransGrid and its contractors have (and will continue) to look to use existing accommodation across the project where appropriate.
- For the main construction works TransGrid is negotiating with property owners to identify and reach agreement on a suitable work camp location for up to 250 workers.
- There is a high likelihood the work camp will be in the Lockhart Local Government Area. This has the potential to generate significant economic benefits for local businesses but will also present challenges.
- Details of any work camp, once finalised by TransGrid, will be included in the Environmental Impact Statement which will be required to address relevant issues and, in this way, any work camp will form part of the overall planning approval process for the project.

Employment and Sub-contracting Opportunities

- The lead contractor, SecureEnergy, will be responsible for the bulk of direct employment and subcontracting opportunities on the project, and they are very mindful of the need to contribute to the local economy while also avoiding disruption of the existing work in the area, including Council’s own works program.
- TransGrid and SecureEnergy have identified that getting project contractors to use local businesses for things like accommodation, food and other local services will be an important aspect of community support.

- TransGrid and SecureEnergy encourage any business seeking work on the project to register an EOI via the Industry Capability Network (ICN) Gateway at <https://gateway.icn.org.au/project/4521/energyconnect-secureenergy-jv?st=projects&psid=1607314301>, or by going to <https://gateway.icn.org.au/> and searching for “energyconnect”.

(Council has been promoting this to local businesses and encouraging involvement through the monthly Newsletter).

- SecureEnergy (with ICN) is also creating a database of “mid-tier” contractors who have expressed an interest in the project, and who may be able to combine their capacities to deliver pieces of works packages that might otherwise be unsuitable for them individually.
- The project has also developed an Australian Industry Participation Plan (AIPP) in line with the Australian Jobs Act (2013), which can be viewed on the Commonwealth Department of Industry, Science, Energy and Resources website.

TransGrid has reiterated its preparedness to address Council and provide further updates when the COVID-19 restrictions permit and has noted that this may be particularly important to arrange following the 4 December local government elections so as to inform the new incoming council.

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.

162/21 RESOLVED on the motion of Crs Walker and Driscoll that the information be noted.
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5. ENERGY SAVINGS ACTION PLAN

(DEES: 21/11412)

Executive Summary

The purpose of this report is to seek Council’s approval of the Energy Savings Action Plan. The Plan is a tool to facilitate implementation of energy saving projects.

Background Information

In the 2020-21 financial year, the NSW Government’s Sustainable Councils and Communities (SCC) program engaged three consulting companies, of which ChargeWorks is one, to prepare Energy Savings Action Plans (ESAPs) for several councils within the SCC program and specifically within REROC.

The SCC program supports regional councils in NSW to save energy and save money. It is funded through the NSW Department of Planning Industry and Environment.

As part of this engagement by the SCC, ChargeWorks prepared ESAPs for three REROC councils including Lockhart Shire Council, Greater Hume Council and Cootamundra Gundagai Regional Council. Prior to working with Lockhart Shire Council, ChargeWorks has prepared Renewable Energy Action Plans for four Councils within the Central NSW JO including Lachlan Shire Council, Orange City Council, Parkes Shire Council and Forbes Shire Council.

ChargeWorks strategic approach to preparing this action plan includes:

- Detailed analysis of Council's energy portfolio including site consumption and tariff review.
- Preparation of a baseline report from which Council can measure its energy saving progress.
- Review of Council's progress to date including streetlighting, solar PV and other energy saving initiatives.
- Identification of target projects that will have the biggest impact including tariff optimisation, energy efficient lighting and Solar PV.
- Identification of long-term energy strategies that will save Council money and energy including Power Purchasing Agreements in collaboration with REROC.
- Summarising these projects into realistic energy saving targets.
- Preparation of a draft report for review by Council stakeholders.

The Energy Savings Action Plan is to be viewed as a tool to facilitate implementation of energy saving projects.

The first step towards implementation of energy savings projects is the adoption of this action plan by Council.

ChargeWorks has also been engaged by the SCC to prepare technical specifications for the five solar PV projects identified within Lockhart Shire Council's Energy Savings Action Plan. They will also be preparing a summary document detailing the business case for these projects.

Legislative Policy and Planning Implications

Nil

Integrated Planning and Reporting Reference

- C1 Our environmental practices are sustainable.
- C1 Where practical improve the energy efficiency of Council buildings.
- C1 Develop and implement a strategy that works towards Lockhart Shire being carbon neutral.
- C1 Investigate installation of new energy efficient street lighting.

Budget and Financial Aspects

Will be conducted within Council's allocated future budgets.

Attachment

- Lockhart Shire Council Energy Savings Action Plan – supplied separately.

Recommendation: That Council approves the Lockhart Shire Council Energy Savings Action Plan (August 2021).

163/21 RESOLVED on the motion of Crs Verdon and Marston that Council approves the Lockhart Shire Council Energy Savings Action Plan (August 2021).
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STRATEGIC DIRECTION D: Infrastructure for the Long-Term Needs of the Community

6. ENGINEERING AND ENVIRONMENTAL SERVICES REPORT

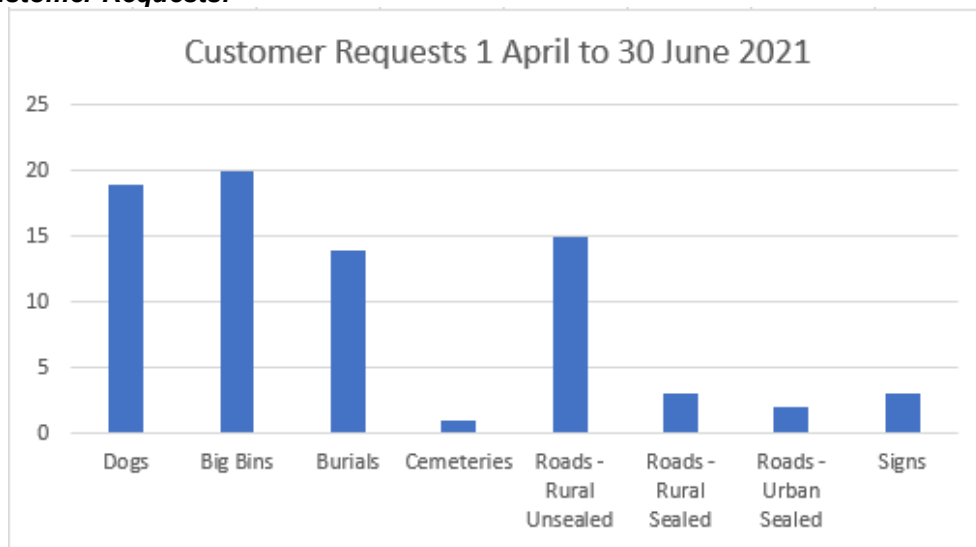
(DEES: 21/11796)

Executive Summary

Monthly report on engineering and environmental services matters.

Background Information

a) **Customer Requests:**



b) **Works:**

Wattles Road/Tinamba Lane: Final seal completed. TfNSW approved final intersection designs. Construction to commence in late September subject to weather conditions.

Prichard Place: Extension of existing sealed section by 400 metres. Consultant appointed for design.

Lockhart Kywong Road (MR370) North: The section starts at 1.25km north of Slocums Lane and ends short of Seberry's Lane. Consultant appointed for design.

Lockhart-Kywong Road (MR370) North: The section starts at 170m north of Spanish Avenue and ends 520m South of Boree Creek Road. Consultant appointed for design.

Grading and minor gravelling of unsealed roads: Completed grading of Ashcroft Cemetery Road, John Alexander Road, Lieschke Lane East, Fenton Lane, Albert Smiths Road, Long Park Road, Jack Mitchells Lane, Coomera Wilson Lane, Boyds Road, Humphrys Lane, McGeachies Lane, Tuttys Lane, and Hendersons Road.

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 re-opened on Saturday, 11 September. Council is in the process of procuring an on-line booking system for the caravan park.

Winning and Crushing of Gravel: Tenders have been invited for the winning and crushing of gravel within the Shire. The tender closed on Monday 30 August 2021.

Contract for Bitumen, Emulsions and Asphalt Materials and Services: Every year Council, in conjunction with Greater Hume Shire Council, invites tenders from suitably qualified contractors for bitumen, emulsions and asphalt materials and services. The tender for bitumen, emulsions and asphalt materials and services 2021-22 was advertised through Vendor Panel. The tender closed on Monday, 2 August 2021.

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

c) **Major Projects:**

Flood Mitigation Construction – The Rock: Excell Gray Bruni has been appointed to undertake the flood mitigation works at The Rock, being the drainage works along Nicholas, Yerong and Urana Streets. Construction is scheduled to commence in September 2021 subject to weather conditions. Letters were posted to properties directly impacted.

d) **Road Safety:**

TfNSW issued new 4-year contract for the shared funding of the Road Safety Officer. The contract was reviewed, and Council opted to enter a 1-year contract.

e) **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.

f) **Bush Fire Danger Period:**

The *Rural Fires Act 1997* provides for a statutory Bush Fire Danger Period (BFDP) commencing 1 October and ending 31 March in the following year. During the BFDP, landowners and managers are required to obtain permits before lighting fires for land clearance or fire breaks. This declaration can be varied on either a temporary (seasonal) or permanent (recurring) basis and remains in force for the period specified unless it is revoked.

The NSW RFS Commissioner may declare a variation based on the recommendation of a local Bush Fire Management Committee (BFMC). When making this recommendation, the BFMC takes into consideration several factors including local fuel conditions. Applications for temporary and permanent variations may be applied for by the local Bush Fire Management Committees and approved by the Deputy Commissioner Field Operations.

Lockhart Shire Council will commence its BFDP on 1 November 2021.

g) **Fleet:**

Currently seeking quotes for fleet replacements in accordance the 2021-22 program. A tender for a water truck was advertised and closed on Monday 30 August 2021.

h) **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.

Common White Snail Baiting Program

Snail baiting application occurred on Fairview Lane on 19 August. Herbicide application also occurred on Fairview Lane to eliminate any vegetation, to abolish any forage or habitat opportunities for the snails.

i) **Parks and Gardens:**

The Rock Observatory

Landscaping of the observatory surrounds was completed including installation of steel edging and placement of additional soil to raise the beds. A mix of exotics and natives were chosen for their

hardiness and low water requirements. Mulch and drip irrigation were installed to assist establishment and ongoing water requirements. The 'Fairy Tree' sculpture by local artist Raeleen Pfeiffer was donated by The Rock Progress Association and was installed in the gardens at the front of the observatory

Yerong Creek Water Tower

The land around the tower finally dried out enough to be cleared and levelled. Parks and Gardens staff are now bringing the landscape design provided by Yerong Creek Progress Association to life. The landscaping will include gravel and contrasting blue metal paths and raised garden beds. The bulk of the block will be left for future development subject to funding. Mulch will be 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. 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.

Mowing and Slashing

The Spring mowing schedule is underway after recent rain and warmer temperatures have accelerated growth rates. Access to some urban road reserves is still difficult due to the recent wet weather. These areas will be attended to once they dry out. Irrigated lawns are maintained as required but will soon return to a fortnightly maintenance schedule.

Trees

Seasonal tree maintenance is mostly complete. Some trees were planted. Watering of any trees planted within the last two years will be conducted as temperatures increase.

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

Public Swimming Pools

Expressions of Interest (EOI) were invited for the lease of The Rock Swimming Pool for the 2021/22 to 2023/24 seasons. The EOI closed on Monday, 9 August 2021. Council has appointed lessees for both The Rock and Lockhart swimming pools, Stan Wall Lifeguarding Services Australia and Tammie Lenon respectively.

j) **Development Applications:** The following development applications were approved, with conditions, from 1 August 2021 to 31 August 2021.

DA No	Development	Applicant	Site of Development
DA47/21	New Dwelling	BA & JJ Pertzelt	4 Macconochie St, Yerong Creek
DA05/22	Shed	M Beard	2 Carson Rd, The Rock
DA08/22	Shed	Shaun Harper	3 Ferrier St, Lockhart
DA10/22	Patio	M Beard	350 Bulloc Hill Rd, 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.

Attachments

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

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

164/21 RESOLVED on the motion of Crs Rockliff and Day that the information in the Engineering & Environmental Services report be noted.
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**7. DEVELOPMENT APPLICATION DA64/21 – LOCKHART SHOWGROUND STOCK PAVILION
(MP&B: 21/11804)**

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) & 1(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,
- I 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.

165/21 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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8. **PLANNING PROPOSAL PP01/22 – BRAITHWAITES LANE, THE ROCK**

(MP&B: 21/11816)

Executive Summary

Council has recently received a planning proposal (PP01/22) from Habitat Planning, on behalf of TJ & AV Group Pty Ltd, seeking to amend the Lockhart Local Environmental Plan 2012 to enable the rezoning of two parcels of land at The Rock.

The planning proposal is presented for Council's consideration in order that it be endorsed for submission to the Department of Planning, Industry and Environment (the Department) for Gateway determination.

Background Information

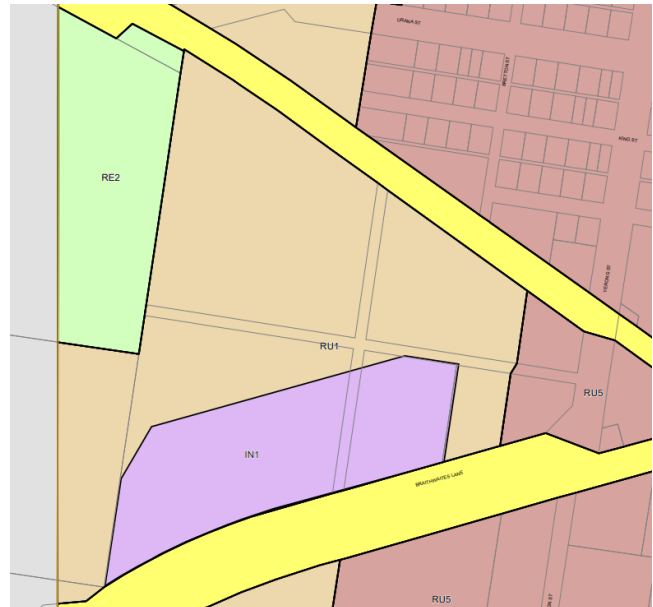
Council received a request in October 2020 from Habitat Planning for Council's in-principle support to rezone two parcels of land at The Rock.

The subject land comprises Lot 1 and Lot 4 in DP194750, which has a total area of approximately 9.16 hectares.

The subject land is currently zoned part RU1 Primary Production (Lot 1 DP194750) and part IN1 General Industrial (Lot 4 DP194750). The land zoned IN1 General Industrial was rezoned from RU1 Primary Production under an amendment to the Lockhart Local Environmental Plan in December 2014.



Location



Zoning – Lockhart Local Environmental Plan 2014

Habitat Planning sought Council's support to rezone the land to RU5 Village with a minimum lot size of 2,000m². They also submitted a concept subdivision plan to illustrate the potential lot layout, which has been updated in the planning proposal.

STRATEGIC DIRECTION E: Strong Leadership and Governance

9. INVESTMENT AND BANK BALANCES REPORT – 31 AUGUST 2021

(DCCS: 21/11848)

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			618,924.26
Add: Total Receipts			
	Rates	48,669.65	
	Debtors	36,026.09	
	Miscellaneous	34,228.30	
	Interest	1,561.87	
	Redeemed Investments	500,000.00	
	Roads to Recovery Grant	79,928.00	
	Apprenticeship Incentives	28,649.24	
	1st Qtr FAGS	498,695.00	
	NSW Transport Block Grant	544,000.00	
	Community Childcare Grant	14,850.00	
	SCCF - Milestone 2 Grants	66,000.00	
	Organics Processing Facility Grant	26,480.00	
			1,879,088.15
Less: Total Payments			1,100,895.35
	New Investments	0	
Closing Combined Cashbook Balance			<u>1,397,117.06</u>
Closing Bank Statement Balance	Bendigo Bank	1,235,640.76	
	Macquarie Bank	124,669.60	
	Bendigo Bank-Prichard Trust	31,653.18	
			1,391,963.54
Add: Outstanding Deposits			6,820.07
			1,398,783.61
Less: Outstanding Cheques			1,666.55
Closing Combined Cashbook Balance			<u>1,397,117.06</u>
	Interest Rate per	Amount	% of Total
Investments:	Annum	Invested	
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
BOQ	0.25	500,000.00	8.55
CBT	0.29	500,000.00	8.55
CBT	0.28	500,000.00	8.55
CBT	0.22	250,000.00	4.27
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
		5,850,000.00	100.00
			AMOUNT
General (PTD)	1490-3000-0000		-798,443.77
Combined Sewerage	8490-3000-0000		2,163,907.65
Trust Fund	9991-3000-0000		31,653.18
		1,397,117.06	1,397,117.06
	TOTAL FUNDS HELD ARE:		<u>7,247,117.06</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.

This is page 29 of the Minutes of the Ordinary Monthly Meeting of the Lockhart Shire Council held in the Council Chambers, Green Street, Lockhart – 20 September 2021.


 CHAIRPERSON

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 Aug 2021, the average end of month balance of funds invested has been \$6.10 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 first 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 31 August 2021 Investment and Bank Balances Report be received and noted.
- b) That the Responsible Accounting Officer Statement be noted, and the report be adopted.

167/21 RESOLVED on the motion of Crs Rockliff and Sharp:

- a) That the 31 August 2021 Investment and Bank Balances Report be received and noted.
- b) That the Responsible Accounting Officer Statement be noted, and the report be adopted.

10. LGNSW ANNUAL CONFERENCE

(GM: 21/8617)

Executive Summary

Information received regarding the 2021 Local Government NSW (LGNSW) Annual Conference is tabled for Council's information.

LGNSW Annual Conference

LGNSW is the peak industry body representing NSW councils. It is also the registered employer organisation representing NSW councils in industrial matters and in award negotiations with the relevant unions.

The LGNSW Annual Conference is the annual policy-making event for all councils of NSW. Councils are provided with the opportunity to submit motions for consideration and debate by delegates. Motions passed at the Conference become Resolutions, which LGNSW takes forward on behalf of councils as part of the sector's advocacy agenda.

This year the Annual Conference was proposed to be held in Sydney on 28-30 November 2021. The date was determined having regard to the local government elections being held on 4 September 2021. However, the postponement of the elections to 4 December 2021 has prompted LGNSW to review the arrangements for the Conference. LGNSW has now advised that the annual event will be split into two components as follows:

- **A one-hour Annual Conference** to present the annual report and financial reports, which will be conducted online from 9.30am on Monday 29 November 2021; and
- **A Special Conference** – including the debate and resolution of motions setting its advocacy agenda for 2022 - to be held in-person at the Hyatt Regency Sydney from Monday 28 February to Wednesday 2 March 2022.

The 29 November online Annual Conference is required to meet the Association's Rules and provides an opportunity to report back to members on LGNSW's financial results and achievements for the 2020-21 financial year.

Based on the revised arrangements for the 2021 Annual Conference it will be necessary for Council to determine its voting delegate for the one-hour online Conference to be held on 29 November 2021. Historically the Mayor has attended the Conference as the Council's voting delegate along with the General Manager.

The closing date for nominating Council's voting delegate for the online Conference and LGNSW Board election is 5 October 2021.

The LGNSW Board election will be conducted by the Australian Electoral Commission (AEC). Nominations for election to the Board will also close on 5 October 2021.

Consideration of voting delegates and other conference attendees for the in-person Conference to be held at the Hyatt Regency Sydney from 28 February to 2 March 2022 will be referred to the newly elected Council.

Integrated Planning and Reporting Reference

- E3 Advocate for the appropriate representation of the needs of the Lockhart Shire community at a state and regional level.
- E3 Continue to lead and advocate on key social and community issues.
- E3 Ensure Council staff and Councillors participate regularly in professional development to support high quality customer service and professional skills.

Legislative Policy & Planning Implications

The LGNSW Annual Conference is the annual policy-making event for all NSW councils.

Budget & Financial Aspects

The LGNSW Annual Conference costs are provided for in the 2021/22 Budget, except for any partner costs not covered by Council's policy, which will be on-charged, if applicable.

Attachments

Nil.

Recommendation: That Council:

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.

168/21 RESOLVED on the motion of Crs Verdon and Rockliff that Council:

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.

11. REDISTRIBUTION OF ELECTORAL DISTRICTS

(GM: 21/10993)

Executive Summary

Following a review of the 93 electoral districts in New South Wales to ensure equal numbers of voters in each district the State electoral boundaries have now been formally proclaimed and will come into effect for the March 2023 New South Wales state general election.

Report

As previously reported to Council, the 93 electoral districts in New South Wales were being reviewed, and the boundaries redrawn, if necessary, to ensure equal numbers of voters in each district.

This process is called redistribution and is required by legislation to take place after every second New South Wales State general election. The last New South Wales redistribution was finalised in 2013, with the resulting boundaries in place for the 2015 and 2019 State elections.

In accordance with a resolution of Council passed at the June 2020 meeting, a submission was made by Council on the basis that the Lockhart Shire remain wholly within the Wagga Wagga electorate. A total of 41 submissions, including Lockhart Shire Council's, were made by the due date.

Following further consultation processes including public hearings the process has now been finalised. On 26 August 2021 the Redistribution Panel's determination of the names and boundaries of electoral districts was proclaimed.

Pursuant to s29(2) of the *Electoral Act 2017*, these electoral districts are, until altered by a further distribution required under the *Constitution Act 1902*, the electoral districts of New South Wales.

The redistribution comes into effect for the March 2023 New South Wales state general election. Any state by-elections that take place prior to that election will be conducted on the boundaries used at the 2019 state general election.

The Lockhart Shire Local Government Area has remained wholly within the Electoral District of Wagga Wagga. Set out below is an extract from the "*Electoral Districts Redistribution Panel Determination of New South Wales Electoral Districts*" relating to the Far West and Riverina Region of NSW.

"Far West and Riverina-Murray

71. The Redistribution Panel has determined to make no changes to the electoral district of Barwon.

72. In accordance with its approach to making electoral district and LGA boundaries contiguous where possible in rural and regional NSW, the Redistribution Panel has determined to transfer that part of Murrumbidgee LGA currently within the electoral district of Albury (the former Jerilderie Shire Council) to the electoral district of Murray.

73. Similarly, the Redistribution Panel has determined to transfer that part of Hilltops LGA currently in the electoral district of Goulburn (Boorowa and surrounds – the former Boorowa Council) into the electoral district of Cootamundra.

74. The Redistribution Panel has determined to make only minimal adjustment to the boundaries of the electoral district of Wagga Wagga."

Integrated Planning and Reporting Reference

E3 Advocate for the appropriate representation of the needs of the Lockhart Shire community at a state and regional level.

Legislative Policy & Planning Implications

To ensure the number of electors within each district remains approximately the same over time, the *Constitution Act 1902* requires that electoral district boundaries are adjusted. This formal process is called a redistribution and must take place after every second New South Wales State general election. Whilst the *Constitution Act 1902* sets out the conditions under which a redistribution should take place the *Electoral Act 2017*, provides the process and timetable for the redistribution.

Budget & Financial Aspects

Nil.

Attachments

- Map of the 2021 NSW Electoral Redistribution of Electoral Districts Determined State Electoral District of Wagga Wagga.

Recommendation: That the information be noted.

169/21 RESOLVED on the motion of Crs Driscoll and Marston that the information be noted.

12. AUDIT, RISK AND IMPROVEMENT COMMITTEES – DRAFT GUIDELINES

(GM: 21/11453)

Executive Summary

The Office of Local Government (OLG) has issued draft *Guidelines for Risk Management and Internal Audit for Local Councils in NSW* to guide the operations of Audit, Risk and Improvement Committees (ARICs) and to require councils to have a risk management framework and internal audit function to support and inform their operations for the purposes of a three month consultation.

Report

Amendments to the Local Government Act inserted a new Section 428A in the Act which states that “A council must appoint an Audit, Risk and Improvement Committee (ARIC)”. This requirement will come into force in six months following the 4 December 2021 council elections i.e., in 4 June 2022.

The OLG will be issuing *Guidelines for Risk Management and Internal Audit for Local Councils in NSW* to guide the operations of ARICs and to require councils to have a risk management framework and internal audit function to support and inform their operations.

OLG has issued a draft of the Guidelines for a three-month consultation period with submissions being received up until 26 November 2021.

The draft Guidelines have been developed based on the feedback received in response to OLG’s *New Risk Management and Internal Audit Framework for Local Councils in NSW* discussion paper issued in September 2019. That discussion paper was considered by Council at its meeting held on 18 November 2019. At that meeting Council resolved to make a submission in the following terms:

- The criteria for the appointment of independent members to the ARIC is too restrictive and will make it difficult, if not impossible, for rural councils to appoint independent members from within their local government area.*
- Being forced to appoint independent members from further afield will add additional costs to the operation of ARIC’s over and above those outlined in the Discussion Paper.*
- Former councillors and general managers should not be prevented from being members of an ARIC of a council that they have not previously been associated with. Persons with an understanding of local government should be encouraged rather than prevented from being members of an ARIC.*
- Councils should be able to determine whether they wish to combine the Chief Audit Officer’s role with the Risk Management Coordinator’s role. The proposal that the endorsement of the ARIC will also be required before the combined role can commence undermines the authority of the Council as the governing body.*
- Under the existing provisions of the Local Government Act, the Council is responsible for determining the resources that are to be provided for the operation of the council organisation (i.e., adoption of the Delivery Program, Operational Plan and Budget). The proposal that the general manager is to ensure that, if required, the council has adequate internal audit personnel to support the Chief Audit Executive also has the potential to undermine the authority of the Council as the governing body.*

Under the draft Guidelines now released for consultation it is now proposed that councils will not be required to establish a risk management framework and internal audit function that complies with the Guidelines until 30 June 2024. However, councils are expected to start taking steps to establish a risk management framework and internal audit function or to transition their existing risk management and internal audit arrangements to comply with the Guidelines.

The proposed Guidelines also set out membership requirements for ARICs. Councils are not required to comply with these requirements until June 2027. This will allow councils five years to transition the membership of their existing ARICs to comply with the new requirements.

In addition to allowing a longer timeline for transitioning to the new requirements, there are other welcomed changes made in response to feedback received to the 2019 Discussion Paper, including the issues raised in Council's submission. These changes are reflected in the Guidelines and include:

- Instead of a 'one size fits all' approach, a new tiered model is proposed for metropolitan, regional and rural/remote councils with reduced prequalification requirements to better reflect the different needs of councils and their ability to attract ARIC members.
- New eligibility criteria for non-prequalified and councillor members.
- ARIC being required to review all the matters listed in s428A of the *Local Government Act 1993* over the council term, rather than annually.
- More flexibility for councils to shape ARICs' role depending on council needs.
- Councils being able to appoint a non-voting councillor member to their ARIC (optional).
- ARIC member fees to be at council's discretion. Chairs and members can serve on a committee on a voluntary basis if they choose to.

(The 2019 discussion paper proposed that the fees paid to ARIC members of small councils i.e., councils with expenditure less than \$50 million be \$12,552 per annum for the Chair and \$1,255 per meeting day for committee members).

- Revised term limits to make it easier to appoint ARIC members including:
 - ARIC member terms to coincide with council terms.
 - Longer maximum terms.
 - Possible exemption from term limits where a tier 1 council (rural/remote councils) can't find new ARIC members.
- ARIC members can have more local government experience.
- Some independence requirements for ARIC members have been reduced.
- There is a new ability to allow local community perspective/knowledge as a criterion for appointment to an ARIC.

ARIC Membership

As stated above the draft Guidelines incorporate a new tiered model. Lockhart Shire is categorised as tier 1. All councils that are categorised as a tier 1 council are required at a minimum to have an ARIC that has three independent voting members comprising a chair prequalified under the NSW Government's prequalification scheme and two independent persons that meet the eligibility criteria for non-prequalified committee members. Tier 1 councils have the option of one non-voting councillor member.

The draft Guidelines recognise that some small councils located in remote local government areas may find it difficult to attract and retain a prequalified chair for their ARIC. Whilst prequalification is preferred, where a tier 1 council is unable to appoint a prequalified chair, the council can apply to the Secretary of the Department of Planning, Industry and Environment for an exemption from this requirement.

Under the eligibility criteria for non-prequalified independent ARIC members an independent voting committee member cannot:

- Currently be a councillor of any NSW council. (The eligibility criteria contained in the 2019 discussion paper excluded a councillor of any council in Australia).
- Be a non-voting representative of the board of a joint organisation.

- Be a candidate at the last election of the council.
- Be a person who has held office in the council during its previous term. (The eligibility criteria contained in the 2019 discussion paper excluded a person who has held office in a council during its previous two terms).
- Be currently employed by the council or been employed during the last 12 months. (The eligibility criteria contained in the 2019 discussion paper excluded a person who has been employed during the last three years by any council in Australia).
- Conduct audits of the council on behalf of the Audit Office of NSW
- Have a close personal or business relationship with a councillor or a person who has a senior role in the council that may lead to a real or perceived conflict of interest
- Currently, or within the last three years, provided any material goods or services (including consultancy, legal, internal audit and advisory services) to the council which directly affect subjects or issues considered by the audit, risk and improvement committee
- Be (or have a close family member who is) a substantial shareholder, owner, officer or employee of a company that has a material business, contractual relationship, direct financial interest or material indirect financial interest with the council or a related entity which could be considered a real or perceived conflict of interest, or
- Currently or have previously acted as an advocate of a material interest on behalf of the council or a related entity which could be considered a real or perceived conflict of interest.

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 operations.
- E1 Minimise Council's exposure to risk and promote a strong risk management culture within Council.

Legislative Policy & Planning Implications

The establishment of an ARIC will become mandatory for all councils by 4 June 2022. Council has an ARIC in place and therefore already complies with this requirement. However, Council will need to transition the ARIC in terms of its composition and operations so as to comply with the Guidelines.

Council also has a risk management framework in place which comprises a Risk Management Policy, and a Risk Register supported by individual risk assessments and risk mitigation plans. However, Council's risk management activities will also have to transition towards compliance with the new Guidelines.

Budget & Financial Aspects

An allocation of \$15,000 has been included in the 2021/22 Operational Plan Budget which covers the cost of the contracted internal auditor whose services are shared with other member councils which Council has collaborated with to form an Internal Audit Alliance.

Whilst the Guidelines will not impact on the 2021/22 budget and provide Council with more time to comply with the new requirements, the Guidelines will in time result in additional governance costs to Council.

Attachments

The draft document titled "*Guidelines for Risk Management and Internal Audit for Local Councils in NSW*" has been separately distributed to all councillors.

Recommendation: That the information be noted.

170/21 RESOLVED on the motion of Crs Walker and Sharp that the information be noted.

13. DISCUSSION PAPER - LOCAL GOVERNMENT TENDERING REGULATION REVIEW
(GM: 21/11452)

Executive Summary

The Office of Local Government (OLG) has undertaken a review of the tendering provisions of the *Local Government (General) Regulation 2021* (the Regulation). As part of the consultation process OLG has released a Discussion Paper outlining the amendments being proposed and inviting councils to make a submission in relation to the reforms.

Report

Councillors will be aware from previous reports to Council that Lockhart Shire was one of a cross section of six councils selected by the Audit Office of NSW (AONSW) for a Performance Audit on Procurement Management in Local Government.

The AONSW report was released in December 2020 and contained recommendations specific to each of the six councils, including Lockhart. The report also contained recommendations for OLG including a recommendation that OLG review and update the tendering provisions of the Regulation to reflect the increasing use of electronic tender submissions rather than paper copies by June 2022.

In response to recommendations by the AONSW, OLG has undertaken a review of the tendering provisions of the Regulation to identify possible amendments that would support councils to make better use of technology when tendering and to achieve greater efficiencies.

OLG has issued a discussion paper to consult with councils and others on the proposed amendments. OLG is inviting submissions from councils and other stakeholders on the discussion paper. Submissions are due by 15 October 2021. A summary of the amendments being proposed is set out below.

- Allow tenders to be submitted in an electronic form as well as a physical form without being prescriptive of the technology used.
- Advertisements and tender documents will be required to specify the method by which tenders are to be submitted (i.e., by electronic or physical means or both). These amendments will allow councils the flexibility to determine how tenders are to be submitted (i.e., by electronic or physical means or both).
- References to redundant technology e.g., “facsimile transmissions” will be removed.
- Require submissions of tenders by electronic means to be effected by a secure mechanism (such as an encryption-based technology) that ensures they cannot subsequently be altered.
- Councils will be permitted not to use a tender box in circumstances where they have specified that tenders are to be submitted by electronic means only. This removes impediments to tenders being submitted by electronic means while retaining the requirement for information provided in tender documents to be stored securely.
- Councils will not be required to formally open tenders in the presence of the public where they specify that tenders are to be received by electronic means only. The requirement for tenders to be opened in the presence of the public operates as an important probity safeguard for tenders that have been posted in or physically deposited in the tender box. Where tenders are submitted in an electronic form, they are more readily auditable, and the requirement to physically open tenders in the presence of the public is considered to serve no real purpose.
- Allow persons to attend the opening of tenders in person or online via audio-visual link to enhance transparency and accessibility.
- Require the tender list to be published on the council's website to enhance transparency and accessibility.
- Require councils to publish a notice specifying the name of the tenderer whose tender was accepted and the amount of the successful tender, or a notice that none of the tenders was accepted, on the council's website to ensure greater transparency and accountability for decisions in relation to tendering.

With respect to the acceptance of tenders the current Regulation restricts the ability of councils to delegate decisions not to accept tenders. Under clause 178(3), decisions not to accept tenders and to do any of the following must be made by a resolution of the governing body of the council:

- a) Postpone or cancel the proposal for the contract
- b) Invite fresh tenders based on the same or different details
- c) Invite fresh applications from persons interested in tendering for the proposed contract using the selective tendering method by which invitations to tender for the proposed contract are made following public advertisement asking for expressions of interest
- d) Invite fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract, using the selective tendering method by which recognised contractors listed by the council are invited to tender for the proposed contract
- e) Enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender, and
- f) Carry out the requirements of the proposed contract itself

The Discussion Paper states that there is no compelling policy reason to continue to restrict councils from delegating most of the decisions referred to in clause 178(3). However, safeguards need to be preserved where councils decide to enter into negotiations to ensure there is appropriate oversight, transparency and accountability for such decisions.

Accordingly, under the proposed amendments decisions referred to under clause 178(3), other than e) above to reject all tenders and to enter into negotiations, will be able to be made under delegation where a council makes such delegations.

Integrated Planning and Reporting Reference

E1 Meet all governance and regulatory requirements in the conduct of Council operations.

E1 Minimise Council's exposure to risk and promote a strong risk management culture within Council.

Legislative Policy & Planning Implications

It is considered that the proposed amendments reflect the increasing use of technology and will provide councils with more flexibility whilst enhancing transparency, accessibility and accountability and therefore should be supported.

The amendments will also provide council with the power to delegate certain decisions relating to the acceptance of tenders.

Budget & Financial Aspects

Whilst there are no discernible budgetary impacts allowing councils to make better use of technology when tendering will help achieve greater efficiencies.

Attachments

A copy of the Local Government Tendering Regulation Review Discussion Paper has been separately distributed to Councillors

Recommendation: That Council 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>171/21 RESOLVED on the motion of Crs Driscoll and Sharp that Council 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>
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QUESTIONS AND STATEMENTS

Cr Walker

- i) **Bulloc Hill Road** – Cr Walker referred to the recent incursion into Wagga Wagga City Council area by a Lockhart Shire road maintenance crew and asked for an update on the matter.

Response – Director of Engineering & Environmental Services

The Director reported that the matter has been referred to the appropriate department within Wagga Wagga City Council. However, staffing changes have interrupted the process.

Cr Sharp

- i) **Dust Suppression Policy** – Cr Sharp 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.

Response – Director of Engineering & Environmental Services

The Director advised the Manager of Works is consulting with the applicant regarding a possible, cheaper option. If that is not deemed suitable a report will be brought to the next Council meeting.

Cr Rockliff

- i) **Clem Gooden Oval** – Cr Rockliff has been approached regarding 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.

Response – Director of Engineering & Environmental Services

The Director will follow up this request with the Facilities Team.

Cr Marston

- i) **Vincents Road** – Cr Marston has 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?

Response – Director of Engineering & Environmental Services

The Director advised that Telstra has been working on the local towers and he will follow up to see how long this work is going to take.

- ii) **Rods Road** – Cr Marston referred to a previous request for remediation of the road surface following works by Riverina Water. Cr Marston 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?

Response – Director of Engineering & Environmental Services

The Director will investigate and provide a response.

- iii) **Second Oval at The Rock** – Cr Marston advised that the second oval has been seeded and the recently installed irrigation is working. Cr Marston thanked the Director of Corporate and Community Services for his work on the management of that project.

- iv) **Yerong Creek Water Tower** – Cr Marston commented on the works being undertaken around the base of the tower, which has opened the whole area up beautifully. Cr Marston congratulated the Director of Engineering & Environmental Services and his team on a job well done.

Cr Driscoll

Nil.

Cr Day

Nil.

Cr Verdon

- i) **The Rock Cemetery** – Cr Verdon commented on The Rock Cemetery and congratulated the maintenance team as the cemetery is looking very nice at the moment.
- ii) **Parking at Post Office and Line Marking** – Cr Verdon thanked the Director of Engineering and Environmental Services for the line-marking and delineation of parking areas at The Rock Post Office.
- iii) **Carson Road, The Rock** – Cr Verdon advised he had been made aware of quite a bit of unfavourable chatter on The Rock Community Facebook page regarding a lot in Carson Road not being disclosed as “floodprone”.

Cr Schirmer

- i) **Thank you** – Cr Schirmer thanked Cr Verdon for stepping in to chair the August meeting in his absence.
- ii) **Levy, Lockhart Common** – Cr Schirmer congratulated the Director of Engineering & Environmental Services on the work carried out to repair the levy on the Common. A recent inspection shows the works have done exactly what they should.
- iii) **Lockhart Caravan Park** – Cr Schirmer also congratulated the Director of Engineering & Environmental Services on the upgrade works carried out so far. The caravan park is looking very good.

CLOSED SESSION

Agenda

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

172/21 RESOLVED on the motion of Crs Marston and Walker that Council close the meeting to the public as per section 10A(2)(c) of the Local Government Act 1993.

The meeting moved into Closed Session at 6.47 pm.

173/21 RESOLVED on the motion of Crs Walker and Verdon that Council move into Open Session.

The meeting moved into Open Session at 6.51 pm.

OPEN COUNCIL

The resolutions of Council, relating to Items 14, 15 and 16, passed while the meeting was closed to the public were read to the meeting by the General Manager.

14. POTENTIAL PROPERTY ACQUISITION FOR COMMUNITY DEVELOPMENT AT THE ROCK
(GM: 21/11314)

174/21 RESOLVED on the motion of Crs Marston and Driscoll that Council authorise the General Manager to submit an offer for the purchase of Lot 2 Sec 17 DP758971 based on the independent valuation received by Council.

15. TENDER – ISUZU 240-350 MWB CAB-CHASSIS 2022-002
(DEES: 21/11415)

175/21 RESOLVED on the motion of Crs Rockliff and Sharp that 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).

16. TENDER – WINNING AND CRUSHING OF GRAVEL 2022-001
(DEES: 21/11416)

176/21 RESOLVED on the motion of Crs Verdon and Day that 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).

The meeting concluded at 6.53 pm.

The minutes of the meeting held on Monday, 20 September 2021, were confirmed as a true and accurate record at the Ordinary Council Meeting held on 18 October 2021, at which time the signature was hereunto subscribed.



CHAIRPERSON


CHAIRPERSON