



MINUTES

**of the
Ordinary Meeting
Held
10 January 2022**

**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, 10 January 2022 commencing at 5.00pm.**

PRESENT

Cr F Day, Cr G Driscoll, Cr I Marston, Cr R Mathews, Cr A Rockliff, Cr P Sharp, Cr G Verdon, and Cr J Walker.

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

As this was the first meeting of the Council following the ordinary election held on 4 December 2021, the General Manager assumed the chair and opened the meeting with a prayer.

OATH AND AFFIRMATION FOR COUNCILLORS

(GM: 21/3830)

Executive Summary

Section 233A of the Local Government Act requires councillors to take either an oath or an affirmation of office at or before the first meeting of the council after the councillor is elected.

Report

Each councillor is required to take either an oath or an affirmation of office in the following form:

Oath

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

Affirmation

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

A councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with this section is not entitled to attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected to the office or a meeting at which the councillor takes the oath or makes the affirmation) until the councillor has taken the oath or made the affirmation.

Any absence of a councillor from an ordinary meeting of the council that the councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the council.

Integrated Planning and Reporting Reference

E.1 Meet all governance and regulatory requirements in the conduct of Council operations.

Legislative Policy & Planning Implications

The general manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation (whether in the minutes of the council meeting or otherwise).

Budget & Financial Aspects

Nil.

Attachment

Nil.

Recommendation: That the names of those Councillors completing the oath or affirmation be recorded in the minutes.

In accordance with Section 233A of the Local Government Act the following Councillors swore an oath of office or made an affirmation of office respectively:

Oath of Office

Cr Ian Marston

Cr Robert Mathews

Cr Peter Sharp

Cr Andrew Rockliff

Cr Greg Verdon

Affirmation of Office

Cr Frances Day

Cr Gail Driscoll

Cr James Walker

ELECTION OF MAYOR AND DEPUTY MAYOR

(GM: 21/3824)

Executive Summary

Section 225 of the Local Government Act 1993 states that an area must have a mayor who is elected in accordance with the Act. In accordance with section 230 of the Act a mayor elected by the councillors (as opposed to a mayor that is popularly elected) normally holds the office of mayor for two years. However, due to the postponement of the 2021 elections the councillor elected as mayor on 10 January 2022 will hold the office of mayor until September 2023.

Councils that elect their mayor must hold a mayoral election within three (3) weeks of the declaration of the ordinary election.

The councillors may also elect a person from among their number to be the deputy mayor. The person may be elected for the mayoral term or a shorter term.

The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.

Report

Pursuant to section 226 of the Local Government Act the role of the mayor is to:

- a) Be the leader of the council and a leader in the local community,
- b) Advance community cohesion and promote civic awareness,
- c) Be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- d) Exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- e) Preside at meetings of the council,
- f) Ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- g) Ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- h) Promote the effective and consistent implementation of the strategic plans, programs and policies of the council,

- i) Promote partnerships between the council and key stakeholders,
- j) Advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- k) In conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- l) Carry out the civic and ceremonial functions of the mayoral office,
- m) Represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- n) In consultation with the councillors, to lead performance appraisals of the general manager,
- o) Exercise any other functions of the council that the council determines.

The process for the election of a Mayor and Deputy Mayor is outlined in Clause 394 and Schedule 7 of the Local Government (General) Regulation which provide as follows:

- a) The General Manager (or a person appointed by the General Manager) is the returning officer.
- b) A councillor may be nominated without notice for election as mayor or deputy mayor.
- c) The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- d) The nomination is to be delivered or sent to the returning officer. *(This can occur prior to or at the Council meeting at which the election will be held. Forms for this purpose have been circulated to all Councillors.)*
- e) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.
- f) If only one councillor is nominated, that councillor is elected.
- g) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- h) The election is to be held at the council meeting at which the council resolves on the method of voting.

“Preferential ballot” and “ordinary ballot” referred to in g) above are secret ballots. “Open voting” means voting by a show of hands.

In the case of an “ordinary ballot” and “open voting”, if there are only two candidates, the candidate with the higher number of votes is elected. If there are three or more candidates, the candidate with the lowest number of votes is excluded and a further vote is taken of the remaining candidates.

In the case of a “preferential ballot” if a candidate has an absolute majority of first preference votes, that candidate is elected. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers. A candidate who then has an absolute majority of votes is elected.

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

Councils that elect their mayor must hold a mayoral election within three weeks of the declaration of the ordinary election.

The election of Mayor and Deputy Mayor must be conducted in accordance with the Local Government Act and Schedule 7 of the Local Government (General) Regulation.

Budget & Financial Aspects

The allowance payable to the Mayor has previously been determined by Council and provided for in the 2021/22 Operational Plan Budget.

Attachments

Blank nomination forms have been provided to Councillors in their correspondence folder.

Recommendation: That the election of Mayor and Deputy Mayor be conducted.

Conduct of Election for Mayor

The General Manager clarified that the mayoral term will extend to September 2023 at which time a mid-term mayoral election is to be held.

The General Manager, as the Returning Officer for the mayoral election, announced that only one nomination has been received for the office of mayor, that being for Cr Greg Verdon.

As there is only one nominee for the role of mayor, the General Manager declared that Cr Greg Verdon is elected as mayor for the ensuing mayoral term ending in September 2023.

Conduct of Election for Deputy Mayor

The General Manager announced that two nominations have been received for the office of deputy mayor, the nominations being for Cr Andrew Rockliff and Cr Peter Sharp and that the council must determine by resolution, the method of voting for the position of deputy mayor.

1/22 RESOLVED on the motion of Crs Walker and Sharp that a ballot be held for the office of Deputy Mayor be undertaken by ordinary ballot.

Following the conduct of an ordinary ballot the General Manager announced that the votes are tied between Cr Andrew Rockliff and Cr Peter Sharp having received four (4) votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, that he will now write the names of the candidates on similar slips of paper, fold them and place them in the box. The General Manager advised that the candidate whose name is drawn out will be declared as deputy mayor.

The General Manager then drew a name out of the box and declared that Cr Andrew Rockliff is elected as deputy mayor for the ensuing term ending in September 2023.

At this juncture (5.20pm) Cr Verdon assumed the Chair in his role as Mayor.

APOLOGIES

Cr J Hunter.

2/22 RESOLVED on the motion of Crs Rockliff and Driscoll that Cr Hunter's apology be accepted and leave of absence be granted.

CONFIRMATION OF MINUTES OF THE ORDINARY MEETING 15 NOVEMBER 2021

3/22 RESOLVED on the motion of Crs Driscoll and Walker that the Minutes of the Ordinary Meeting held on Monday, 15 November 2021 as printed and circulated be taken as read and confirmed.

DECLARATION OF PECUNIARY & NON-PECUNIARY INTEREST

Nil.

MAYORAL MINUTE

Nil.

MAYORAL REPORT

The former Mayor, Cr Schirmer, provided the following report on activities for the period from the last Council meeting held on 15 November 2021 to the end of his term of office on 4 December 2021:

- 21 November Attended the Explorers Rifle Club regional event and presentation.
- 24 November Met with Gordon Hinds of Better Energy Technology Pty Ltd (BET) in Lockhart with the General Manager.
- 29 November Participated in the online Local Government NSW Annual Conference as Council's voting delegate.
- 2 December Attended a meeting of the REROC Executive Committee.

The Mayor Delegate, Cr Greg Verdon, provided the following report on activities for the period 4 December 2021 to date:

- 9 December Met residents of The Rock together with C Ward Councillors and the Director Engineering and Environmental Services to discuss the recent flood event in the town.
- 14 December Met with Gordon Hinds of Better Energy Technology Pty Ltd to receive the completed reports on Stage 1 of the Lockhart Renewable Energy Project.
- 22 December Attended Lockhart Shire staff function and presented Long Service Awards.
- 10 January 2022 Met with the owners of a flood-affected property at The Rock together with the General Manager and Director of Engineering and Environmental Services.

Recommendation: that the Mayoral Report be received and noted.

4/22	RESOLVED on the motion of Crs Sharp and Marston that the Mayoral Report be received.
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URGENT BUSINESS – NOTICE OF MOTION

- | | |
|------|--|
| 5/22 | RESOLVED on the motion of Crs Driscoll and Rockliff that, in accordance with Clause 9.3 (a) of the Lockhart Shire Council Code of Meeting Practice, the Notice of Motion submitted by Cr G Verdon regarding flood mitigation be considered at the meeting as urgent business even though due notice of the business has not been given. |
| 6/22 | RESOLVED on the motion of Crs Driscoll and Marston that the business be deferred until later in the meeting following the presentation by Council's Auditor regarding the 2020/21 Audited Financial Statements (refer page 18). |

FLOOD MITIGATION

Executive Summary

The Shire has been hit with 2 major rain events in the last 2 months which has resulted in significant inundation especially in Emily and Railway Streets, The Rock. Residents are becoming concerned that little has been done to alleviate these issues and it is important that Council is seen as being pro-active in addressing these issues.

Report

Following the floods of 2010 and 2012 Council commissioned Flood Studies for Lockhart and The Rock. Extensive consultation took place with both communities and Plans were developed for mitigation works in both communities, subject to funding. Stages 1 & 2 have been completed in Lockhart with Stage 1 completed at The Rock and a contract entered into for Stage 2.

It would appear from local sources that Lockhart works were largely successful in saving the town from inundation however it would appear The Rock has some major issues. It should be noted that Yerong Creek suffered serious water issues as well.

The issues in Emily Street were apparently not acted upon due to cost and the impression that Stage 2 works would alleviate the situation. It is also apparent that interceptor works on Mangoplah Road is placed in the wrong position and fails to capture water from Lodge Road which in turn accentuates the flooding on Mangoplah Road. It would also appear that not enough thought went into drainage in our new subdivision in Carson Street.

Whilst some of the issues are beyond our control and require the co-operation of Transport for NSW (TfNSW) and Australian Rail Track Corporation (ARTC) it is important that we act as a facilitator to overcome these issues. If we wish our towns to grow, then it is important that we address these issues.

It is believed that there are some short-term issues that can be addressed by Council (one from Cr Marston is attached) and there are some medium to long term issues that we need to plan for.

Recommendations:

1. That Council undertakes a thorough review of the effectiveness of the Flood Mitigation Schemes with an interim report presented at the February Meeting and a Final Report to the April meeting so that any additional spending measures can be considered for the 2022/23 Budget.
2. That the abovementioned review identifies possible short term solutions including cleaning of drains and culverts, diversion of more water into Streven's Street Drain and temporary pumps.
3. That Council facilitates a meeting between TfNSW, ARTC and the Member for Wagga Wagga to discuss drainage along the Olympic Highway.
4. That Council review drainage issues in Yerong Creek

CR G VERDON

ATTACHMENT – FLOOD MITIGATION – MANGOPLAH (MANGO) ROAD

Twice in as many months, flooding has occurred on the Mango Rd/Olympic Highway intersection causing residences in the nearby area to be inundated with water.

I understand there is communication between RMS/ARTC/LSC to eventually rectify this situation. It will not be a quick solution and residences in time will again be flooded giving the impression that council are ignoring the situation.

I would like to put forward for consideration by Council a temporary quick fix at relatively little expense until the situation is permanently addressed.

The Problem

The problem is, during heavy rain events the intersection of Mango Rd/Olympic Hwy, water is pooling quicker than it can get away causing overflow of drains.

The drains eventually disperse the water but it takes a couple of days.

The Solution

If a procedure can be put in place to remove this excess water quickly and efficiently in a relatively short time to eliminate the problem on residences getting inundated with water.

Actions to be considered

It is requested that the Director of Engineering and Environmental Services (DEES) investigate the following:

- The purchase or hire of a pump approx six inch in diameter complete with collapsible hoses (600m) to remove the excess water from the intersection of Mango/Olympic Hwy and transfer it into the drain to the north of the Kings Own Hotel.
- On preliminary investigation this pump will transfer approx 500,000lts an hour, therefore taking a big burden off the current drainage system giving the nearby residences more protection from water inundation.

Administration

On investigation by the DEES council will need to decide on whether to hire a pump at around \$3,000 a week or to purchase. Hoses and intake pipes will probably need to be purchased.

Suggested Council give control of the equipment to The Rock SES for training purposes. This will also eliminate any confusion that may occur over area ownership by ARTC/RMS/LSC as during flooding the SES is the combat agency and can access all areas.

CR IAN MARSTON

STAFF REPORTS

1. PRESENTATION OF COUNCIL'S 2020/21 FINANCIAL STATEMENTS

(DCCS: 21/15928)

Executive Summary

It is a legal requirement that the annual audited financial statements be presented to Council within five weeks of the Auditor's Certificates being issued. The Auditor's Certificates relating to the Council's 2020/21 Financial Statements were issued on 9 December 2021 and public notice has been given that the Audited Financial Statements for 2020/21 will be presented to the Council meeting to be held on 10 January 2022.

Report

The Auditor-General, Audit Office of New South Wales, has completed the audit of Council's Financial Statements for the year ending 30 June 2021.

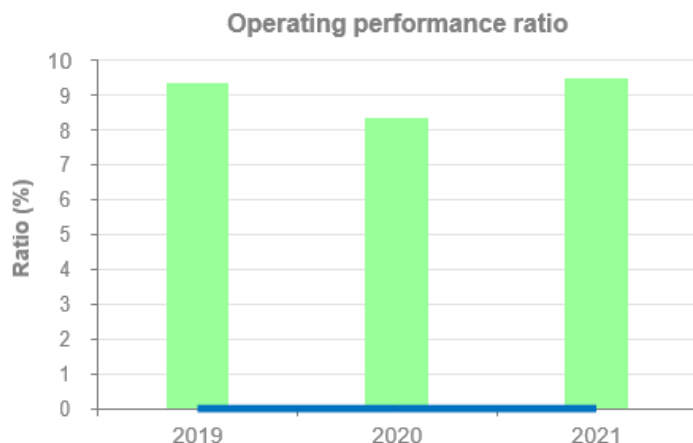
Pursuant to section 419 (1) of the Local Government Act 1993 Council must present its Audited Financial Statements, together with the Auditor's Report, at a meeting of the Council no later than five weeks from the date the Auditor's Certificates are issued. Furthermore, in accordance with Section 418(3) of the Local Government Act 1993, and a resolution of Council passed at the Council meeting held on 15 November 2021, public notice was given on Council's website that the 2020/21 Audited Financial Statements and Auditor's Report would be presented at the Council meeting to be held on 10 January 2022.

The Council achieved a surplus in net operating result from continuing operations (including capital contributions) of \$5.88M (2020: \$4.22M) for the year ended 30 June 2021. The net operating surplus for the year before grants and contributions provided for capital purposes is \$60k (2020: \$157k).

A summary of the 2020/21 Financial Statements against the performance measures and performance benchmarks set by the Office of Local Government (OLG) is set out below. Consistent with previous years, Council's financial results are above the industry benchmark for all performance measures with the exception of own source revenue.

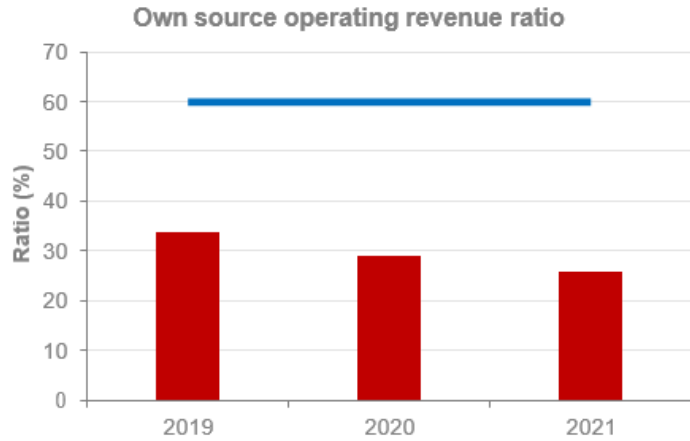
Operating Performance Ratio

- The 'operating performance ratio' measures how well Council contained operating expenditure within operating revenue (excluding capital grants and contributions, fair value adjustments, and reversal of revaluation decrements). The benchmark set by the OLG is greater than 0%.
- The Council exceeded the OLG benchmark for the current reporting period.
- The operating performance ratio increased to 9.51%, largely due to the \$2.7 million increase in grants and contributions revenue, offset by the increase in net loss from disposal of assets by \$0.3 million and increase in materials and services expense by \$0.7 million.



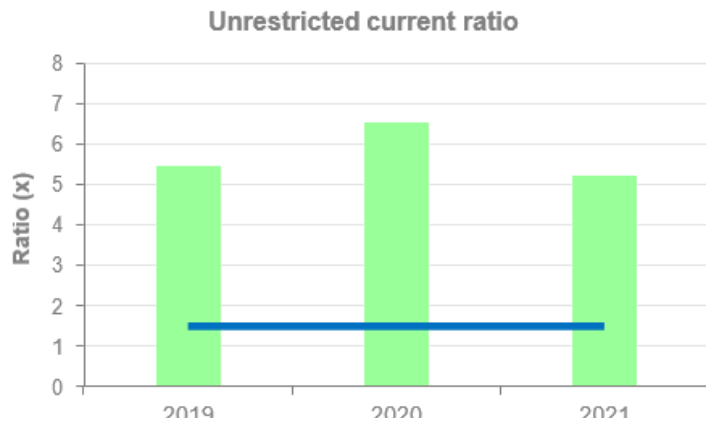
Own source operating revenue ratio

- The 'own source operating revenue ratio' measures Council's fiscal flexibility and the degree to which it relies on external funding sources such as operating grants and contributions. The benchmark set by the OLG is greater than 60 per cent.
- The Council did not meet the OLG benchmark for the current reporting period.
- The own source operating revenue ratio has slightly decreased over the past two years, as grants and contributions continue to represent a significant portion of Council's income.



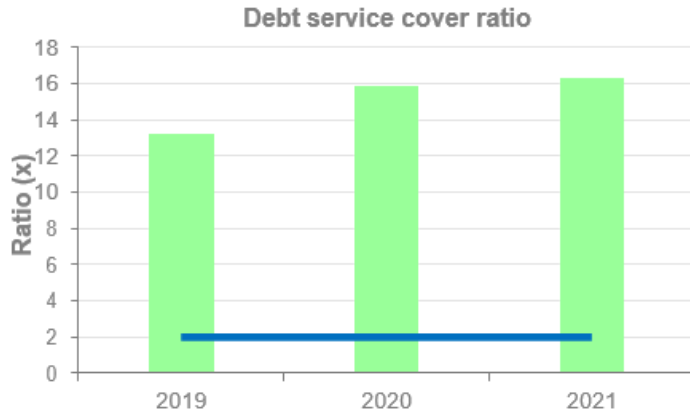
Unrestricted current ratio

- The 'unrestricted current ratio' is specific to local government and represents Council's ability to meet its short-term obligations as they fall due. The benchmark set by the OLG is greater than 1.5 times.
- The Council's unrestricted current ratio of 5.2 exceeded the OLG benchmark for the current reporting period.



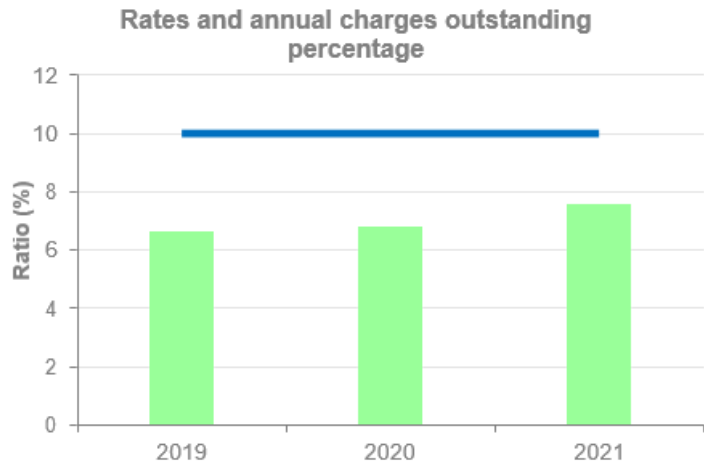
Debt service cover ratio

- The 'debt service cover ratio' measures the operating cash to service debt including interest, principal and lease payments. The benchmark set by the OLG is greater than two times.
- The Council's debt service cover ratio of 16.3 exceeded the OLG benchmark for the current reporting period.
- The Council's debt service cover ratio remained relatively constant from 2020 to 2021.



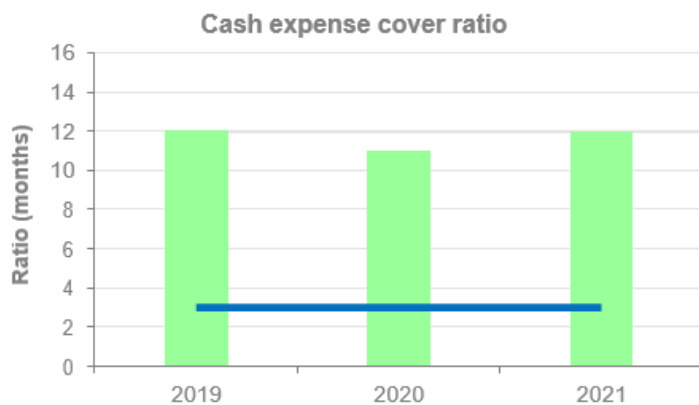
Rates and annual charges outstanding percentage

- The 'rates and annual charges outstanding percentage' assesses the impact of uncollected rates and annual charges on council's liquidity and the adequacy of debt recovery efforts. The benchmark set by the OLG is less than 10 percent for regional and rural councils.
- The Council met the OLG benchmark for the current reporting period, with a ratio of 7.5 per cent.
- The rates and annual charges outstanding percentage has increased slightly from the previous year and this relates to regulations limiting some Council debt recovery actions due to COVID-19.



Cash expense cover ratio

- This liquidity ratio indicates the number of months the Council can continue paying for its immediate expenses without additional cash inflow. The benchmark set by the OLG is greater than three months.
- The Council's ratio of 12 exceeded the OLG benchmark for the current reporting period.
- The Council's cash expense cover ratio remained relatively constant from 2020 to 2021.



A detailed analysis of Council's Financial Statements can be found in the Audited Financial Statements, pages 68-71. The Financial Statements have been made available on Council's website.

A representative of Audit Office of New South Wales will attend the meeting remotely to elaborate on their report and to respond to any questions.

Integrated Planning and Reporting Reference

E1: Council is strong, sustainable and able to stand alone.

Legislative Policy and Planning Implications

Local Government Act Section 419 Presentation of the council's financial reports

Attachments

- Audited Financial Statements – available via this [link](#)

Budget and Financial Aspects

Report on 2018-19 Financial Year

Recommendation: That Council endorse the Audited Financial Statements and Auditor's Report for the year ended 30 June 2021 as presented.

Council's Auditor, Dannielle MacKenzie of Crowe Australasia, addressed Council from 5.25pm to 5.39pm via a Zoom link.

7/22 RESOLVED on the motion of Crs Rockliff and Walker that Council endorses the Audited Financial Statements and Auditor's Report for the year ended 30 June 2021 as presented.

2. LOCAL GOVERNMENT COUNTBACK ELECTIONS

(GM: 21/3772)

Executive Summary

For the first time NSW councils have the option to fill vacancies by way of a countback election instead of a byelection. To take advantage of this option it is necessary for the Council to pass a resolution at the first ordinary council meeting following the elections on 4 December 2021 confirming that it wishes to have the option to fill vacancies by way of a countback.

Report

Where a casual vacancy occurs on the Council, it has been necessary to conduct a byelection to fill that vacancy. However, following the Local government elections held on 4 December 2021 councils will have the option to fill vacancies by way of a countback election instead of a byelection.

To take advantage of this option the vacancy will have to occur within 18 months of the previous ordinary election. It will also be necessary for the council to pass a resolution at the first ordinary council meeting following the elections on 4 December 2021 confirming that it wishes to have the option to fill vacancies by way of a countback.

A countback election is used to elect a councillor to fill a single vacancy, where the vacating councillor was elected under the proportional representation method (i.e., where two or more candidates were elected at a local government ordinary election). If there are multiple vacancies, a separate countback election is held for each vacancy.

In the case of a countback election the returning officer contacts all unelected candidates from the local government ordinary election who may still qualify to be elected to the office of councillor. Where the candidate is interested, they must submit a formal application to the returning officer. All candidates who submit and do not withdraw their application, become eligible candidates for the countback election.

The timeline for a countback election is as follows:

- The Electoral Commissioner is notified of a casual vacancy, within seven days of it occurring.
- A returning officer is appointed within 14 days of the notification of the vacancy.
- Casual vacancy notices are issued 2 to 14 days from the appointment of the returning officer.
- Where a candidate is interested, they must submit a formal application to the returning officer. The application period closes after 10 days of the notices being issued.
- The countback is conducted within 14 days of the vacancy notices being issued.
- It may take up to a month for the results to be declared.

A countback election must be completed within 49 days, and applications for candidates to participate is open for 10 days.

If there are no eligible candidates, an attendance byelection must be held. If there is only one eligible candidate, that candidate is elected. If there are multiple eligible candidates, a countback election is conducted. In a countback election, the returning officer:

- Uses preference data from ballot papers from the previous local government ordinary election.
- Uses the same proportional representation method used in the original election.
- Effectively re-runs the election making the vacating councillor ineligible and distributing each of their ballot papers to the next preference on the ballot paper.
- If a non-eligible candidate would be elected, the election is re-run with that candidate's ballot papers also distributed to their next preference on the ballot paper.
- The returning officer re-runs the countback until an eligible candidate is elected.

Eligible candidates and the council are then notified of the result.

At a countback election, a sitting councillor cannot be unelected, and non-eligible candidates cannot be elected.

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

Pursuant to section 291 of the Local Government Act a countback election may be used to fill a casual vacancy in the office of a councillor if:

- a) the casual vacancy occurs within 18 months after the date of the last ordinary election of the councillors for the area, and
- b) the council has at its first meeting following that ordinary election of councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.

Section 291 does not apply to a casual vacancy in the office of a councillor if the councillor who vacated office was elected:

- (a) in an election using the optional preferential voting system, or
- (b) in an election without a poll being required to be held.

Budget & Financial Aspects

A countback election is conducted by the NSW Electoral Commission and would be more cost effective than an attendance byelection.

Attachments

Nil.

Recommendation: That pursuant to Section 291 A(1)(b) of the Local Government Act 1993, Lockhart Shire Council declares that casual vacancies occurring in the office of a councillor within 18 months after the date of the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with Section 291A of the Act and directs the general manager to notify the NSW Electoral Commission of the Council's decision within 7 days of the decision.

<p>8/22 RESOLVED on the motion of Crs Driscoll and Marston that pursuant to Section 291 A(1)(b) of the Local Government Act 1993, Lockhart Shire Council declares that casual vacancies occurring in the office of a councillor within 18 months after the date of the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with Section 291A of the Act and directs the general manager to notify the NSW Electoral Commission of the Council's decision within 7 days of the decision.</p>

3. APPOINTMENT OF DELEGATES/MEMBERS

(GM: 21/3844)

Executive Summary

Council is represented on various internal and external committees and other organisations of which it is a member. Generally, Council's delegates to these committees and organisations are appointed for the term of the Council but can be reviewed by Council at any time.

Report

Attached is a table listing the committees and organisations in which Council is represented and the respective Councillor representative prior to the 4 December 2021 election.

A short description of the committees' and organisations' role is also provided in the attached table.

In some cases, such as where it is a statutory committee or organisation, Council's delegate is determined by the organisation's constitution or by legislation.

Riverina Water, one of the organisations for which Council must appoint a delegate, has provided an information sheet for prospective board members a copy of which is attached.

Integrated Planning and Reporting Reference

E2: Provide effective community engagement practices with the community.

Legislative Policy & Planning Implications

Nil.

Budget & Financial Aspects

Nil.

Attachment

1. Table of committees and organisations and Council's previous delegates.
2. Riverina Water County Council – prospective board member information

Recommendation: That Council determine its delegates to the respective committees and organisations listed in the report for the ensuing term.

9/22 RESOLVED on the motion of Crs Rockliff and Walker that Council appoints the following delegates to the respective committees and organisations listed in the report for the ensuing term.

COMMITTEE OR ORGANISATION	COUNCIL DELEGATE(S)
Riverina Water	Cr Driscoll
Riverina Eastern Regional Organisation of Councils	Cr Verdon, Cr Rockliff and General Manager
Riverina Joint Organisation	Cr Verdon, Cr Rockliff and General Manager
Riverina Regional Library Advisory Committee	Cr Day, Alternate Cr Sharp
Lockhart Local Emergency Management Committee	Cr Marston, DEES
Regional Emergency Management Committee	DEES, Cr Marston
Country Mayors Association of NSW	Cr Verdon
Riverina Fire Zone Bush Fire Management Committee	Cr Verdon, Alt. Cr Walker
Riverina Fire Zone – Service Level Agreement Liaison Committee	Cr Verdon, Alt. Cr Walker
Lockhart and The Rock Floodplain Management Committees	Lockhart: Mayor and A Ward Clrs The Rock: Mayor and C Ward Clrs
Magnolia Lodge Tenancy Advisory Committee	Cr Rockliff and Cr Mathews
Audit, Risk and Improvement Committee	Cr Rockliff
Tourism and Economic Development Steering Committee	A Ward – Cr Day and Cr Mathews B Ward – Cr Sharp C Ward – Cr Marston
Lockhart Shire Traffic Committee	Director of Engineering and Environmental Services and the Road Safety Officer
Progress Associations	Lockhart – Cr Mathews The Rock – Cr Driscoll
Local Health Advisory Committee	General Manager

COMMITTEE OR ORGANISATION	COUNCIL DELEGATE(S)
Police and Community Consultation Group	Cr Verdon, Cr Walker, General Manager
Murray Darling Association	Mayor Cr Verdon, Cr Driscoll
Section 355 Management Committees	
– Lockhart Recreation Ground	Cr Rockliff
– Lockhart Showground and Racecourse	Cr Day
– Osborne Recreation Ground	Cr Sharp
– The Rock Recreation Ground	Cr Marston
– The Rock Showground and Racecourse	Cr Walker
– Yerong Creek Recreation Ground	Cr Hunter
Community Consultative Committee – Inland Rail	Cr Verdon

4. LGNSW ANNUAL CONFERENCE

(GM: 21/15450)

Executive Summary

Council is required to nominate its voting delegate to the Local Government NSW (LGNSW) Annual Conference.

Report

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.

The 2021 Annual Conference was originally proposed to be held on 28-30 November 2021 at the Hyatt Regency, 161 Sussex Street Sydney. However, following the postponement of the local government elections from 4 September to 4 December 2021 LGNSW was forced to review the arrangements for the Annual Conference.

The Annual Conference will now be held from 28 February to 2 March 2022 at the Hyatt Regency, Sydney.

Historically, the Mayor has attended the Conference as the Council's voting delegate along with the General Manager.

Furthermore, Council has adopted a Councillors Professional Development Program which includes, amongst other things, provision for one other councillor to attend the LGNSW Annual Conference each year in addition to the Mayor.

Councillors who have attended the Annual Conference in recent years include:

- 2017 in Sydney – Cr Marston as Council's voting delegate in lieu of the Mayor.
- 2018 in Albury – Mayor, Cr Driscoll and Cr Walker.
- 2019 in Sydney – Mayor and Cr Day.
- 2020 online – Cr Driscoll as Council's voting delegate in lieu of the Mayor.

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.

Attachment

Nil.

Recommendation: That Council determine its voting delegate and any other attendees to the LGNSW Annual Conference to be held in Sydney on 28 February to 2 March 2022.

10/22 RESOLVED on the motion of Crs Sharp and Cr Marston that Council appoints Cr Verdon as its voting delegate and Cr Walker as an attendee to the LGNSW Annual Conference to be held in Sydney on 28 February to 2 March 2022.

5. INDUCTION FOR COUNCILLORS

(GM: 21/15468)

Executive Summary

It is a legal requirement that Councillors are provided with an appropriate induction program as well as training and development opportunities.

Report

Many training and development options are available for Councillors including in-house workshops as well as programs provided by external organisations such as the Office of Local Government (OLG), Local Government NSW (LGNSW), Riverina Joint Organisation (RivJO) and the Riverina Eastern Regional Organisation of Councils (REROC).

Council has previously adopted a Councillor Professional Development Program which provides for one additional councillor to accompany the Mayor (who is Council's voting delegate) to the annual conference of Local Government NSW.

In addition, the Lockhart Shire's Councillor Professional Development Program also allows for one councillor each year to undertake the Executive Certificate in Local Government (4-day course) also offered by Local Government NSW.

A combination of in-house workshops and external offerings is considered appropriate with in-house workshops focusing on Lockhart Shire Council specific subjects whilst relying on external providers to cover broader and more generic topics.

Bearing in mind that the next ordinary meeting of Council is not scheduled to be held until 21 February 2022, it is suggested that an in-house workshop focusing on Lockhart Shire Council specific subjects be held on Monday 7 February 2022. Set out below is a sample list of topics that could be covered at the Workshop:

In-house Workshop

- Payment of Councillors fees and reimbursement of expenses
- Records management practices
- Councillor iPads and tablets
- Lockhart Shire Council Code of Meeting Practice
- Lockhart Shire Council Policy Register and Policy Review Timetable

- Integrated Planning & Reporting (IP&R) documents i.e., Community Strategic Plan, Delivery Plan and Operational Plan
- Update on major projects in the Shire

With respect to the broader topics that could be covered by external agencies it is noted that OLG is arranging “Hit the Ground Running” webinars that will focus on the key elements of a councillor’s role and responsibilities.

OLG is encouraging all councillors to participate in the webinars saying that *“they will provide essential information to support councillors in serving their community and fulfilling their responsibilities.”*

An online registration system will soon be made available for councillors to register their attendance and information will be provided about how to register.

Furthermore, the 2021 Councillor Handbook will soon be available on OLG’s website.

Whilst induction programs are particularly important at the commencement of a new Council term, Councillors may avail themselves of ongoing training and development opportunities throughout the Council term.

Information on the availability of externally provided programs, including both face-to-face and online opportunities, will continue to be distributed to all Councillors and Councillors are invited to advise the General Manager of an interest in any of the courses on offer. Examples of the types of courses that will be available include, but are not limited to, the following:

External Providers

- Role of elected members
- Code of Conduct for councillors
- Chairing and effective meeting procedures for councillors
- Understanding Local Government finances for councillors
- Audit, Risk and Improvement Committee Training
- Local Government planning and DA assessment
- And many others

Integrated Planning and Reporting Reference

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

E3: Ensure Council staff and Councillors participate regularly in professional development to support high quality customer service and professional skills.

Legislative Policy & Planning Implications

Section 232 of the Local Government Act sets out the role of a councillors and includes a requirement to “... make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor”.

Clause 183 of the Local Government (General) Regulation provides that the general manager must ensure that an induction training course is delivered to each councillor who has been elected to the council for the first time, within 6 months of the councillor’s election.

The general manager must also ensure that an induction refresher course is delivered to each councillor who is re-elected to the council, within 6 months of the councillor’s re-election.

In addition, the general manager must ensure that an ongoing professional development program is delivered to the mayor and to each other councillor elected to the council, during the course of the term of office of the mayor or councillor concerned.

Budget & Financial Aspects

Council’s 2021/22 Budget includes allocations of \$10,000 and \$12,000 for Councillor training and delegates expenses (attendance at conference etc.) respectively.

Attachment

Nil.

Recommendation: That an in-house workshop be convened on 7 February 2022 to provide an initial induction for Councillors and that Councillors avail themselves of other professional development opportunities offered through external organisations as they become available.

11/22 RESOLVED on the motion of Crs Driscoll and Day that an in-house workshop be convened on 7 February 2022 at 4pm to provide an initial induction for Councillors and that Councillors avail themselves of other professional development opportunities offered through external organisations as they become available.

6. INVESTMENT AND BANK BALANCES REPORT – 30 NOVEMBER 2021

(DCCS: 16712)

Executive Summary

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

Report

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

Cash at Bank

Opening Combined Cashbook Balance			1,063,913.59
Add: Total Receipts			
	Rates	1,081,872.15	
	Debtors	36,192.43	
	Miscellaneous	86,109.91	
	Interest	709.03	
	Apprenticeship Incentives	39,913.40	
	DEFT Downloads	830,000.00	
	2nd Qtr FAG	498,695.00	
	Fixing Local Roads Grant	244,125.00	
	Pensioner Concession Subsidy	44,494.78	
	Roads to Recovery Grant	201,310.00	
			3,063,421.70
Less: Total Payments			1,659,024.25
	New Investments	0	
Closing Combined Cashbook Balance			<u>2,468,311.04</u>
Closing Bank Statement Balance	Bendigo Bank	1,634,578.84	
	Macquarie Bank	648,955.17	
	Bendigo Bank-Prichard Trust	31,657.17	
			<u>2,315,191.18</u>
Add: Outstanding Deposits			<u>153,966.71</u>
			2,469,157.89
Less: Outstanding Cheques			846.85
Closing Combined Cashbook Balance			<u>2,468,311.04</u>

Investments:	Interest Rate per Annum	Amount Invested	% of Total
CBT	0.22	250,000.00	4.27
CBT	0.24	500,000.00	8.55
cbt	0.20	500,000.00	8.55
CBT	0.26	500,000.00	8.55
NAB 231101546	0.25	500,000.00	8.55
Bendigo	0.30	500,000.00	8.55
NAB	0.28	500,000.00	8.55
Bendigo	0.30	500,000.00	8.55
NAB	0.33	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
T Corp	at call	1,000,000.00	17.09
		5,850,000.00	

			AMOUNT
General (PTD)	1490-3000-0000		89,832.54
Combined Sewerage	8490-3000-0000		2,346,821.33
Trust Fund	9991-3000-0000		31,657.17
			<u>2,468,311.04</u>
			<u>2,468,311.04</u>
TOTAL FUNDS HELD ARE:			<u>8,318,311.04</u>

This is page 17 of the Minutes of the Ordinary Monthly Meeting of the Lockhart Shire Council held in the Council Chambers, Green Street, Lockhart – 10 January 2022.


 CHAIRPERSON

Integrated Planning and Reporting Reference

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

Legislative Policy and Planning Implications

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

Budget and Financial Aspects

Council's 2021/22 Operational Budget has forecast a total of \$33,750 income from interest on investments for General fund & Sewer Fund combined. For the period of July to Nov 2021, the average end of month balance of funds invested has been \$6 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 and Sewer Fund.

The interest on investments has been adjusted for the 1st Quarterly Budget Review to reflect reduction in income from this source.

Responsible Accounting Officer Statement

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

Recommendation:

- a) That the 30 November 2021 Investment and Bank Balances Report be received and noted.
- b) That the Responsible Accounting Officer Statement be noted, and the report be adopted.

12/22 RESOLVED on the motion of Crs Walker and Rockliff:

- a) That the 30 November 2021 Investment and Bank Balances Report be received and noted; and
- b) That the Responsible Accounting Officer Statement be noted, and the report be adopted.

Urgent Business and Notice of Motion

13/22 RESOLVED on the motion of Crs Driscoll and Marston:

1. That Council undertakes a thorough review of the effectiveness of the Flood Mitigation Schemes with an interim report presented at the February Meeting and a Final Report to the April meeting so that any additional spending measures can be considered for the 2022/23 Budget.
2. That the abovementioned review identifies possible short term solutions including cleaning of drains and culverts, diversion of more water into Streven's Street Drain and temporary pumps.
3. That Council facilitates a meeting between TfNSW, ARTC and the Member for Wagga Wagga to discuss drainage along the Olympic Highway.
4. That Council review drainage issues in Yerong Creek.
5. That Council approach the relevant agencies to include additional properties at The Rock in the Voluntary Purchase Scheme.

QUESTIONS AND STATEMENTS

Cr Marston

Nil

Cr Day

- i) **Gutter Cleaning** – Cr Day asked how often cleaning of gutters is undertaken.

Response – Director of Engineering and Environmental Services

The Director advised there is no policy in place and that currently periodic cleaning is occurring in urban areas only. The Director acknowledged that some gutters in the urban areas require some structural maintenance. The Director advised that installation of underground stormwater forms part of the Main Street Redevelopment in the township of Lockhart.

Cr Driscoll

- i) **Vacant Land – Scott Street** – Cr Driscoll enquired about the vacant land in Scott Street at The Rock and whether or not it had been sold.

Response – Director of Corporate and Community Services

The Director advised he will investigate and provide a response.

- ii) **Urana Street Median** – Cr Driscoll enquired whether it was possible to reclassify the median strip in the road reserve of Urana Street at The Rock as recreation space so the road does not need to be closed for events such as markets.

Response – Director of Engineering and Environmental Services

The Director advised he will investigate the options and also advised an LEP review is soon to be undertaken which may assist in the process.

- iii) **Technology** – Cr Driscoll referred to the address via Zoom by Council's auditor and asked if the equipment in the Council chamber could be upgraded to allow better connectivity for online participation in Council meetings.

Response – Director Corporate and Community Services

The Director advised that this upgrade was currently being investigated as the projectors, which were installed during construction of the building, are now 10 years old and outdated.

- iv) **Welcome to New Councillors** – Cr Driscoll welcomed and congratulated the new councillors.

Cr Mathews

- i) **Flood Event 7/1/2022** – Cr Mathews thanked Council for the flood mitigation works carried out in and around Lockhart, noting that the works seemed to perform their function very well during the rain event on 7 January 2022.

Cr Sharp

- i) **Road Maintenance After Recent Rain** – Cr Sharp advised that the bridges on Grubben Road are in very poor condition after the rain of last week and need urgent attention. Cr Sharp also advised that the table drains on Eulensteins Road require cleaning out. During the recent rain they were so full of grass that the water was running down the road. He has received a suggestion from a local resident that the causeway on this road should be converted to a culvert.

Response – Director of Engineering and Environmental Services

The Director advised multiple roads have been identified for relief funding following the November event and any new roads from the latest event will be added. All evidence, including photographs are welcomed to support Council's application. With regard to the bridges they can only be restored to original state, funding will not be given for "betterment" or upgrade.

Cr Walker

- i) **Mobile Coverage** – Cr Walker raised the issue of poor mobile phone coverage west of The Rock Hill, and in Yerong Creek and Pleasant Hills. People in these areas are struggling to have any service. Cr Walker asked if Council could approach providers on behalf of residents?

Response – General Manager

The General Manager advised the issue is being looked at on a regional basis via REROC/RIVJO. Lockhart Shire's blackspots have been nominated through this process. Some funding programs are available but require partnership with a telco and significant monetary input from Council.

Cr Rockliff

- i) **Roads** – Cr Rockliff advised the following roads are in very bad condition, especially after the recent harvest traffic: Bidgeemia Road after Western Road through to Barracluffs Road; Western Road through the creeks at Urangeline; most of the gravel on Soldier Settlement Road especially from McDonnell's down towards Madden's has eroded quite badly. Cr Rockliff also mentioned trucks are using smaller lanes more often, not just local owners. Cr Rockliff has received a request for Fargunyah Lane to be reclassified and upgraded from Gravel Class 2 to Gravel Class 1. Water is running down the middle of the road, it doesn't get enough maintenance to support increased traffic movements.
- ii) **Flood Mitigation, Lockhart** – Cr Rockliff advised that he thinks the works are performing very well, particularly the work done behind Matthews' property to divert water around town. Cr Rockliff expressed his hope that the rail bridge is still on the agenda. Cr Rockliff also mentioned the footbridge appears to be holding back water and pushing it out to get around, which requires investigating. Cr Rockliff added his support for the suggestion that Council prioritise the cleaning of table drains, especially after a rain event.

Cr Verdon

- i) **Strevens Street Neighbourhood Disturbances** – Cr Verdon advised he has received a lot of complaints over the Christmas period and enquired if the Compliance Officer could interview residents of Strevens Street and The Rock Mangoplah Road to establish the extent of the disturbances. Cr Verdon asked if all the buildings and slabs on the property have been approved by Council and requested that a report be brought back to the February meeting.

Response – Director of Engineering and Environmental Services

The Director advised the existing structures on the land are covered by Development Approval. The concrete pad does not require approval under the RU1 zoning. The owner of the property has been in contact with NSW EPA and is operating within the EPA guidelines. He contacts the Compliance Officer when he is holding an "event" and also does a letter drop. A further report will be brought back to the February meeting.

- ii) **Flooding, The Rock** – Cr Verdon ask if funding was available for residents and landholders for the November flooding event. Cr Verdon expressed his appreciation for the efforts of staff during these events.

Response – Director of Engineering and Environmental Services

The Director advised there is assistance available but only if the resident does not hold their own insurance.

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.

14/22 RESOLVED on the motion of Crs Driscoll and Sharp 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 6.58pm.

15/22 RESOLVED on the motion of Crs Mathews and Driscoll that Council move into Open Session.

The meeting moved into Open Session at 7.01pm.

OPEN COUNCIL

The resolutions of Council, relating to Item 7, passed while the meeting was closed to the public were read to the meeting by the General Manager.

7. 2022 AUSTRALIA DAY CELEBRATIONS

(GM: 21/15592)

This item is classified CONFIDENTIAL under section 10A (2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

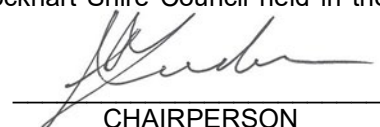
16/22 RESOLVED on the motion of Crs Mathews and Day that the 2022 Australia Award for Sportsperson of the Year be awarded as recommended.

The meeting concluded at 7.05pm.

The minutes of the meeting held on Monday, 10 January 2022, were confirmed as a true and accurate record at the Ordinary Council Meeting held on 21 February 2022, at which time the signature was hereunto subscribed.



CHAIRPERSON



CHAIRPERSON