



BUSINESS PAPER

**of the
Ordinary Meeting
Held
15 June 2020**

**A RATES WORKSHOP IS PROPOSED TO BE HELD AT 3.30PM,
PRIOR TO THE COUNCIL MEETING**

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

The Prayer

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

The Council's Guiding Principles

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

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

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

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

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

(Section 8A Local Government Act, 1993)



Lockhart Shire Council

File Ref: PV:C70-005

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10 June 2020

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

Dear Councillors

I wish to advise that the Ordinary Monthly Meeting of Lockhart Shire Council will be held at the Council Chambers, Green Street, Lockhart on **Monday, 15 June 2020** commencing at **5.00pm**.

The Order of Business will be as shown overleaf.

Please note that a Rates Workshop will be held at 3.30pm, prior to the Council Meeting.

Yours faithfully

Peter Veneris
GENERAL MANAGER

Order of Business

Opening with a Prayer

Apologies

Cr A Rockliff

Leave of Absence

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Resumption of Open Council

MAYORAL MINUTE

Nil.

MAYORAL REPORT

To be presented at the meeting.

URGENT MATTERS

Nil.

NOTICE OF MOTION

Nil.

COMMITTEE REPORTS

Nil.

DELEGATES' REPORTS

Nil.

STATUS REPORT/PRÉCIS OF CORRESPONDENCE ISSUED

Status Report: Council Resolutions and Tasks to be finalised

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 18 May 2020			
90/20	GM	Appointment of Council Delegates Council delegates have been appointed to respective section 355 committees.	Notification of the appointments has been sent to the respective Committee Secretaries. Complete.
89/20	DCCS	Quarterly Budget Review – 1 Jan 2020 to 31 Mar 2020 Quarterly Budget Review to be tabled at June 2020 meeting.	31 March 2020 Quarterly Budget Review included in June Council meeting Business paper. Complete
86/20	DEES	Naming of Bridges – Brookong Creek, Green St & Urana Lockhart Rd Council advertises in its monthly newsletter requesting proposals for names for the new culvert on Green Street and the bridge on Urana Lockhart Road, over Brookong Creek, Lockhart.	Cr Day's suggestions are "Brookong Creek Bridge" for Urana Lockhart Road, and "Greens Gunyah Crossing" for Green Street. Advertisement inviting naming proposals from the community appeared in Council's May 2020 Newsletter. Complete.
80/20	GM	Hilltop Carer Accommodation Centre – Request for Financial Assistance Council donate \$5,000 to the Stage 2 Fund.	Written confirmation forwarded to Fundraising Campaign Manager and donation has been paid. Complete
78/20	GM	Insurance – Verandahs/Awnings over Public Footpaths Report be brought to Council regarding the possibility of Council taking over insurance of the veranda/awning structures over public footpaths within the Shire.	A report has been included in the June Council meeting Business Paper. Complete

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 20 April 2020			
70/20	GM	<p>Review of Operational Land</p> <p>Council adopt the following actions in relation to the review of land classified as “operational land”:</p> <ol style="list-style-type: none"> 1. List for sale the vacant property situated at 55 Scott Street, The Rock; 2. Explore opportunities for biodiversity offsets in respect of the former Milbrulong School site situated on the corner of Benders Lane and the Lockhart The Rock Rd; 3. Investigate the feasibility of undertaking a large-lot residential subdivision on Lot 62 DP1015278 and Lot 90 DP756417 Prichard Place, Lockhart before determining whether or not to dispose of the land; and 4. Approach the adjoining owner of the land situated at 2410 Albury Road, Urangeline regarding potential sale or transfer of the land. 	<ol style="list-style-type: none"> 1. Land has been sold. Subject to a separate report in the June Council meeting Business Paper. Complete. 2. In progress 3. In progress 4. In progress
Ordinary Council Meeting held 16 March 2020			
50/20	GM	<p>Grant Application Preparedness</p> <p>Council determine a shortlist of projects to be developed to “shovel ready” status pending the availability of funding.</p>	<p>A report has been included in the June Council meeting Business Paper. Complete.</p>
45/20	DCCS	<p>Magnolia Lodge – Footpath Construction</p> <p>Council approve the repair and replacement of damaged paths at Magnolia Lodge, to be funded by a \$13,000 transfer from Council’s internally restricted Building Reserve.</p>	<p>Preliminary work being organised, following which a contractor will be engaged. Contractor engaged, will be commencing in about 3 weeks. Parks & Gardens have been asked to prune garden on pathway to enable contractor to access.</p>
Ordinary Council Meeting held 18 November 2019			
292/19	DCCS	<p>Council Buildings – Dentist and Lockhart Museum</p> <p>Council approve part funding of works as detailed in the report to the Lockhart Museum building at 39 Urana St and the dentist building at 85 Green St Lockhart from Internal Reserves for Buildings for the amount of \$33,120.00.</p>	<p>Quotes have been received and purchase order has been provided to successful builder. DCCS advised works were to commence during the week after Easter however some issues with availability for asbestos removal have caused a delay. Fencing is in place to undertake works.</p>

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 16 September 2019			
256/19	GM	<p>Lockhart Renewable Energy Project</p> <p>a) Having secured Commonwealth government funding totalling \$1 million for the Better Energy Technology Renewable Energy Project for Lockhart Township; and</p> <p>b) Having given 28 days public notice of its intention to do so:</p> <p>c) 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>	<p>The Southern Regional Planning Panel has approved the DA for a solar farm and battery storage.</p> <p>Other aspects of Stage 1 are progressing.</p>
Ordinary Council Meeting held 19 August 2019			
223/19	DEES	<p>Lockhart Caravan Park</p> <p>a) Endorses the proposed Lockhart Caravan park revised layout; and</p> <p>b) A further report be brought to Council in due course once a detailed costing can be provided.</p>	<p>Work in progress. Fire-fighting services currently being designed.</p>
210/19	TEDO	<p>Minutes of the TEDSC Meeting – Tim Fischer Statue/Lockhart Railway Station</p> <p>Subject to agreement by the authorised managers of the Lockhart Railway Station, expressions of interest for community or commercial purposes be sought from the wider community for the Lockhart Railway Station building.</p>	<p>Advertisement placed in the Lockhart Shire newsletter and on social media.</p>
Ordinary Council Meeting held 15 July 2019			
177/19	DEES	<p>Shire and Town Entrance Signs</p> <p>Council:</p> <p>a) Endorses the shire entrance and town sign proofs in principle;</p> <p>b) Refers the signs back to Council's Tourism and Economic Development Officer for further development and liaison; and</p> <p>c) A further report is brought to Council in due course prior to undertaking another round of community consultation.</p>	<p>A report has been included in the June Council meeting Business Paper.</p> <p>Complete.</p>

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 17 June 2019			
144/19	TEDO	<p>Minutes of the TEDSC Meeting – Public Art Projects</p> <p>A submission be requested from the artists Scott Nagy and Janne Birkner to undertake the Milbrulong Water Tower project subject to their quotation being within budget.</p>	<p>The mural was completed on 31 May 2020.</p> <p>Complete.</p>
Ordinary Council Meeting held 15 April 2019			
77/19	DCCS	<p>Lockhart Medical Centre Community Services Building</p> <p>Council support the change of use to the Lockhart Medical Centre/Community Services, on the corner of Matthews and Hebden Streets in principle and provide a letter of landowner consent to a Development Application being lodged.</p>	<p>GM & DCCS met with Valmar's Coordinator - Fleet, Asset and Corporate to progress the matter with Valmar agreeing to provide plans prior to Council providing landowners consent to lodge a DA.</p> <p>Valmar are in the process of putting plans with proposed works together to present to Council for approval.</p> <p>Valmar have provided their proposed changes. Letters have been sent to property owners around the Matthews St premises informing them of the proposed change of use, with no replies received to date.</p>
Ordinary Council Meeting held 15 October 2018			
260/18	TEDO	<p>Minutes of the TEDSC Meeting – Water Tower Long Term Maintenance</p> <p>An agreed amount be held in reserve to enable future maintenance of the Lockhart Water Tower as and when needed.</p>	<p>A draft MoU has been prepared and referred to RWCC for comment following which it will be presented to Council for consideration.</p>
Ordinary Council Meeting held 16 May 2016			
109/16	DCCS	<p>Old Lockhart Railway Station Building</p> <p>Council to:</p> <ol style="list-style-type: none"> a) Seek to find a suitable use/tenant for the building b) Begin negotiations with JHR to hand building back, if suitable use/tenant not found within next 6 months. 	<p>No potential tenants have enquired. Promoting venue as a regional meeting site. Very little activity to date. Lockhart Central School has used for 2019 HSC exams. No enquiries for a permanent tenant.</p> <p>Correspondence forwarded to JHR to ascertain whether it would enforce the lease and require the lease to be paid out in full if Council was to terminate the Agreement.</p> <p>Variation to Lease being pursued to reduce rental.</p>
Ordinary Council Meeting held 20 April 2020 – Councillor Questions & Statements			
Questions & Statements	DEES	<p>Cr Sharp - Road Signs</p> <p>Advised approaching the T-junction of Bidgeemia Road and Albury Rd at night, the black and white chevron signs are very faded.</p>	<p>Will investigate and take necessary action.</p> <p>Complete.</p>

Minute No:	Officer to Action	Council Resolution	Action Taken
	DEES	Cr Sharp - Road Signs Similarly notes that on County Boundary Road, northern-most corner – the yellow directional (chevron) signs are also very faded.	Will investigate and take necessary action. Scheduled for repair in June. Waiting for sign.
	DEES	Cr Rockliff - Verandas in Lockhart Advised that despite control efforts so far, the problem birds have moved from once place to another and something more needs to be done. The birds have moved on from Lockhart Building Supplies to the Medical Centre and Newsagency, almost to “Ginge & Fluffs” second-hand store.	DEES investigated options with various providers. One Sight bird spikes provides a possible solution. Contacted Bird Spike Australia – awaiting response.
	DEES	Cr Rockliff - Weeds Advised the “cat heads” and khaki weed infestations around town are causing issues for “gopher” owners, causing tyre punctures.	Considering clearing areas in vicinity of town centre. To be programmed.
	DEES	Cr Marston - Rods Rd Street Blade Enquired as to the progress of replacing this sign.	Advised this matter has been referred to Greater Hume Shire as it sits on the Olympic Highway and GHSC hold the contract for maintenance. Will follow up with Greater Hume Shire again. GHSC advised that they will take the appropriate action.
	GM	Cr Driscoll - Community Centre for The Rock Cr Driscoll advised the local Seventh Day Adventist church is for sale at \$139,000 for the church building and meeting hall and enquired if it is possible for this property to be considered as a community centre and perhaps look at a concept plan?	A report has been included in the June Council meeting Business Paper regarding grant application preparedness and ‘shovel ready projects’. Complete.
	DEES	Cr Verdon - Resident Enquiry Has been approached by a landholder, asking if it was possible to discover when the residence was built.	DEES contacted owner and advised have no current record of when residence was built. Complete.
Ordinary Council Meeting held 16 March 2020 – Councillor Questions & Statements			
Questions & Statements	GM	Cr Walker - 9-Day Fortnight Asked if the shorter working week has been successful.	Whilst the 9 day fortnight is working satisfactorily to date, the trial period has been extended to better gauge the impacts on reception staff and increased reception hours. Due to the closure of Council’s reception in response to the Covid-19 pandemic, recent months may not have provided a good guide of the impacts.

Minute No:	Officer to Action	Council Resolution	Action Taken
	DEES	Cr Walker – Roads in the Mittagong Area Requested that the Director of Engineering and Environmental Services inspect Tootool Mittagong Road, Mittagong Yerong Creek Road and others in the vicinity as water ponding is becoming an issue.	Road inspected and included in resheeting and grading program. In progress.
	DEES	Cr Marston – Rods Road Signage Reported that the signage keeps going missing, could it be replaced please. It presents an issue for emergency services.	Advised he would investigate and take appropriate action. Matter referred to GHSC for action. GHSC advised that they will take appropriate action.
	DEES	Cr Verdon – Emily St Notes that any flood mitigation works in this area is unfunded but asked if Council had plans to clean it up, to allow water to flow, especially towards the southern end, near Semmens Rd as residents are concerned.	Advised he would investigate and take appropriate action. Liaised with Crown Land regarding works. Crown roads transferred to Council. Works programmed for later this year subject to budget approval.
Ordinary Council Meeting held 3 February 2020 – Councillor Questions & Statements			
Questions & Statements	DEES	Cr Verdon – Risk of Falling Tree Limbs at The Rock Recreation Ground Advised of current danger imposed on campers regarding possible falling tree limbs at The Rock Recreation Ground and enquired who is responsible for trimming these limbs to ensure public safety.	Trimming scheduled for later in the year.
	DEES	Cr Rockliff – Lawn Cemetery, Lockhart Advised that residents are again concerned about the care taken of plots and sprinklers not working at the Lockhart Lawn Cemetery.	Still issues with controller. Contractor engaged to test and possibly replace controller prior to the next irrigation season.
	DEES	Cr Rockliff – Lockhart and The Rock Swimming Pools Advised that the Lockhart Swimming Pool had recently sustained damage during a break-in and requested Council consider the installation of CCTV to identify and deter from this reoccurring.	Quotes received, to be considered for inclusion in 2020/21 budget.
	DEES	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, to be considered for inclusion in 2020/21 budget.

Minute No:	Officer to Action	Council Resolution	Action Taken
	DEES	<p>Cr Douglas – Lockhart and The Rock Swimming Pools</p> <p>Commented that the new pools are great facilities for the Shire but he believes the contractor at each pool is being put at risk if working by themselves and he would like Council to consider hiring additional staff for security and safety reasons. Cr Douglas asked if going forward Council could consider amending contractual arrangements to stipulate that two people be present at all times during pool opening hours.</p>	<p>Contacted with Royal Lifesaving NSW and has reviewed Council's contractual arrangements.</p> <p>To undertake a risk assessment prior to establishing lifeguard ratios in accordance the 'Guidelines for Safe Pool Operation'.</p>
Ordinary Council Meeting held 16 December 2019 – Councillor Questions & Statements			
Questions & Statements	DEES	<p>Cr Rockliff – Visibility Concerns at Intersection of Bidgeemia and Western Roads</p> <p>Advised that this intersection is currently dangerous and of concern due to poor visibility caused by overgrown vegetation.</p>	<p>Advised that he will investigate and advise. Road Safety Officer undertook safety assessment which was considered by the Traffic Committee.</p> <p>Works programmed for June.</p>
Ordinary Council Meeting held 18 November 2019 – Councillor Questions & Statements			
Questions & Statements	DEES	<p>Cr Rockliff – Mobility Scooters in Lockhart Township</p> <p>After observing a mobility scooter attempting to negotiate a railway crossing, enquired if Council could provide pathways for mobility scooters to safely negotiate railway crossings in the Shire townships?</p>	<p>Rail Manager advised that construction will be subject to funding being available.</p> <p>Complete</p>
Questions & Statements	DEES	<p>Cr Rockliff – Walter Day Park, Lockhart</p> <p>Enquired if there is a problem with the sprinklers at Walter Day Park, as large sections of grass are dying off?</p>	<p>Undertook some works. Further quotes received and works scheduled for later this year.</p>
Ordinary Council Meeting held 19 August 2019 – Councillor Questions & Statements			
Questions & Statements	GM/DCCS	<p>Cr Marston – Status of Work on the Second Oval, The Rock</p> <p>Enquired about the status of the work for the second oval at The Rock particularly with respect to commencing the project within 12 months of the grant being approved.</p>	<p>Arrangements being made to prepare the area at the western end of the Recreation Reserve for temporary use by the Pony Club to enable works to commence on the 2nd oval.</p> <p>Crown Lands have advised that the TSR on Old Trunk Rd is subject to an Aboriginal Land Claim. Council has made contact with NSW Aboriginal Land Council, awaiting response.</p>

Minute No:	Officer to Action	Council Resolution	Action Taken
	DEES	Cr Rockliff – Possibility of Residents Living in a Shed on a Property in South Lockhart Advised that it had come to his attention that it may be possible that residents are living in a shed on a property in South Lockhart?	Advised that he will investigate and take appropriate action. Council staff are investigating.
	DEES	Cr Douglas – Nursery, The Rock Enquired if staff had received the letter of concern from Leo Driscoll regarding the nursery in The Rock?	Council staff investigated and confirmed that a letter was received from Leo Driscoll regarding a private water supply pipe. DEES contacted owner and met on site 9/03 – advised that pipe be undergrounded – issued Road Opening Permit for submission. ROP issued.
Ordinary Council Meeting held 20 May 2019 – Councillor Questions & Statements			
Questions & Statements	DEES	Cr Verdon - Drain at Western End of Wilson Street and also Corner of Bretton and Urana Streets, The Rock Requested if these drains could be cleared?	Wilson Street cleared. Urana/Bretton Streets scheduled to be cleared in June.
Ordinary Council Meeting held 15 April 2019 – Councillor Questions & Statements			
Questions & Statements	DEES	Cr Driscoll – The Rock Town Entrance Sign Advised that The Rock town entrance sign re-instated south of The Rock on the Olympic Hwy is a lot further south than its original position and enquired if it could be relocated back closer to The Rock?	Advised he will investigate and take appropriate action. DEES has discussed with GHSC and they are looking at if sign can be moved closer to the town.
Ordinary Council Meeting held 19 November 2018 – Councillor Questions & Statements			
Questions & Statements	DEES	Cr Verdon – Council Contribution, The Rock Recreation Ground Advised The Rock Recreation Ground receives an annual contribution funding of \$12,500 from Council and with electricity currently costing \$12,000 p.a., was wondering if Council could do and audit or assist in any way?	DEES advised there may be some upcoming opportunities for grant funding for solar and battery storage for Council buildings and he will investigate further and advise. DEES has been in contact with DPIE who advised no grants are available. Complete
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.

15 June 2020 Council Meeting - Correspondence Sent to Councillors

Date sent to Councillors	From	Subject	File Ref
15/05/2020	The General Manager	Appointment of Tourism & Economic Development Officer	
22/5/2020	LG NSW	LG Weekly dated 15/5/2020	S20-020
22/5/2020	ALGA	ALGA News dated 15/5/2020	A75-005
22/5/2020	The Hon Michael McCormack	Media Release: Lockhart Infrastructure Funding	D20-005
25/5/2020	LG NSW	LG Weekly dated 22/5/2020	S20-020
26/5/2020	ALGA	ALGA News dated 22/5/2020	A75-005
01/06/2020	The Mayor	An Update	
01/06/2020	LG NSW and ALGA	Weekly News dated 29 May 2020	S20-020/ A75-005
05/06/2020	LG NSW and ALGA	Weekly News dated 5 June 2020	S20-020/ A75-005

Recommendation: That the information be noted.

STAFF REPORTS

STRATEGIC DIRECTION A: A Connected and Resilient Community

1. COVID-19 RESTRICTIONS ON COUNCIL FACILITIES UPDATE

(GM/H10-030)

Executive Summary

The purpose of this report is to provide an update in relation to Council's response to the COVID-19 pandemic.

Report

The restrictions on gatherings and movements as well as on premises remaining open to the public are put into legal effect through a Public Health Order signed by the Minister for Health and published in the Government Gazette.

The Public Health Orders have been amended from time to time and more recently the amendments have reflected the relaxation of restrictions by the Government. The most recent Public Health Order was signed on 29 May 2020. Set out below is an update regarding the impact of the Public Health Orders on Council facilities.

- **Playgrounds** – playgrounds which were previously closed in compliance with an earlier Public Health Order have now been reopened.
- **Caravan parks and camping grounds** – these facilities are now permitted to reopen provided a COVID-19 Safety Plan has been prepared and implemented. A template safety plan and checklist for caravan parks and camping grounds has been developed by the NSW Government for this purpose.

Council staff are currently working with the Manager of the Lockhart Caravan Park to implement a COVID-19 Safety Plan upon completion of which the Park will be re-opened.

The template safety plan and checklist has been forwarded to those section 355 management committees which manage facilities where camping has been permitted i.e. The Rock and Yerong Creek Recreation Grounds and the Lockhart Showground.

- **Museums** – museums and galleries are now also permitted to reopen provided a COVID-19 Safety Plan has been prepared and implemented. A template safety plan and checklist for museums and galleries has been developed by the NSW Government for this purpose.

The template safety plan and checklist has been forwarded to the section 355 management committees which manage the Greens Gonyah Museum at Lockhart and The Rock Museum. Council's contracted Museum Advisor will be available to assist these committees in developing a COVID-19 Safety plan prior to reopening.

- **Council administration building reception** – Perspex screens have been installed on Council's reception counter and a sanitiser station is being arranged, following which the office will re-open to the public.

In a staged approach it is initially proposed to open from 8.30am to 12.00pm and 1.00pm to 4.30pm. Keeping the office closed over the lunch break will avoid another staff member having to cover for the receptionist bearing in mind that "hot desks" i.e. shared workspaces, have been identified as a high risk in office environments

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

The restrictions on gatherings and movements as well as on premises remaining open to the public are put into legal effect through a Public Health Order signed by the Minister for Health and published in the Government Gazette.

Budget & Financial Aspects

Installation of Perspex screens and sanitiser stations will be undertaken within Council's current budget. The Draft 2020/21 Budget incorporates any adjustments required to COVID-19 impacts and is the subject of a separate report.

Attachments

Nil.

Recommendation: That the information be noted.

2. TENDER – LOCKHART RECREATION GROUND – EXTEND AND UPGRADE AMENITIES BUILDING No C2020/02 (GM/T20-005)

Executive Summary

The purpose of this report is to inform Council of the outcome of the tenders for the Lockhart Recreation Ground – Extend and Upgrade Amenities Building Tender No. C2020/02.

Report

In April 2018 Council was advised of a notional allocation of \$764,000 for the Lockhart Shire Local Government Area under Round 2 of the NSW Government's Stronger Country Communities Fund (SCCF Rd2). At its meeting held on 16 April 2018 Council considered a range of projects for which it could seek funding noting that priority was to be given to sporting infrastructure, community infrastructure and place making/ beautification projects. One of the successful applications included the Lockhart Recreational Ground (amenities building upgrade) for which Council received a grant of \$345,000. The scope of works included the following:

- South end (4.6m) and north end (7.5m) extensions of the roof line and external wall
- Internal fit-out and refurbishment of the south end with showers and toilet area
- Internal fit-out for new showers, toilets and change-room area (12m x 5m) in the northern end.

With October 2020 being the date all SCCF Rd2 projects are required to be completed, an extension request has been submitted for completion of Stage 1 by February 2021, prior to commencement of the 2021 football netball season.

The initial scope of works was put together in response to the SCCF Rd2 funding program. At that stage only preliminary discussions had taken place with stakeholders. As a result of further discussions with the main users of the amenities and one of the user groups' governing body, being the AFL, it was identified that extensions to the south were not going to be feasible in order to comply with the AFL's Preferred Facilities Guidelines and maintain safe road access to the rest of the recreation ground precinct. To be eligible for AFL funding any new amenities are required to comply with AFL's Preferred Facilities Guidelines. In those initial discussions, women's AFL was not factored into the scope of works, and with the Riverina Bluebells now participating in the local AFLW competition, to comply with AFL's Preferred Facilities Guidelines there is a requirement for the new facilities to factor in AFLW.

Sunjoule Design was engaged to prepare the design and documentation for the Lockhart Recreation Ground amenities building upgrade and extension.

The tenders for the Lockhart Recreation Ground – Extend and Upgrade Amenities Building Tender No. C2020/02 was advertised in the local paper on 21 March 2020, Sydney Morning Herald on 24 March 2020 and on Council's website. The closing date for tender submissions was Friday 1 May 2020. A site meeting was held on 31 March 2020.

Council received 11 submissions by the closing date. Tenders were assessed on Wednesday 6 May 2020. All tendered prices exceeded the funding available for the project. It is therefore proposed that

Council decline all tenders and delegate the General Manager to negotiate with any of the tenderers to undertake the works at a revised price or scope of works.

Integrated Planning and Reporting Reference

- A1: Support cultural and sporting opportunities that respond to the needs of the community.
A2: Plan, develop and maintain facilities, parks and gardens that respond to the needs of the community.

Legislative Policy & Planning Implications

Local Government (General) Regulation 2005

178 Acceptance of tenders

- (1) After considering the tenders submitted for a proposed contract, the council must either—
 - (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
 - (b) decline to accept any of the tenders.
- (3) A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following—
 - (a) postpone or cancel the proposal for the contract,
 - (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
 - (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
 - (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as 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,
 - (f) carry out the requirements of the proposed contract itself.
- (4) If a council resolves to enter into negotiations as referred to in subclause (3)(e), the resolution must state the following—
 - (a) the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3)(b)–(d),
 - (b) the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3)(e).

Budget & Financial Aspects

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

Attachments

Nil.

Recommendation: that Council

1. Declines to accept any of the tenders submitted for the Lockhart Recreation Ground – Extend and Upgrade Amenities Building Tender No. C2020/02 as tendered prices exceeded the available budget; and
2. Delegates the General Manager to enter into negotiations with any of the tenderers to undertake the works at a revised price or scope of works.

3. LOCAL ROAD AND COMMUNITY INFRASTRUCTURE PROGRAM

(GM/G10-005)

Executive Summary

A new \$500 million Local Road and Community Infrastructure (LRCI) Program has been announced by the Australian Government as part of its \$1.8 billion boost to Local Government Areas across Australia.

Report

Lockhart Shire Council will receive \$846,561 under the Australian Government's Local Road and Community Infrastructure (LRCI) Program. The formula for the new funding is based on 20 per cent of each Local Government Area's (LGA) Roads to Recovery Funding over the five years from 2019-20 to 2023-24. According to the Government's media release the LRCI program will aim to support local jobs and businesses and boost local economies struggling under the effects of COVID-19.

Grant guidelines for the Program are to be provided directly to local governments by the Department of Infrastructure, Transport, Regional Development and Communications.

At the time of finalising the Business Paper the specific grant guidelines had not been received. However, a "Fact Sheet" available on the Department's website states as follows:

"Funding is available for local road and community infrastructure projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public.

Projects will need to deliver benefits to the community, such as improved accessibility, visual amenity and safety benefits.

Eligible local road projects could include works involving any of the following associated with a road:

- *traffic signs;*
- *traffic control equipment;*
- *street lighting equipment;*
- *a bridge or tunnel;*
- *a facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station);*
- *facilities off the road that support the visitor economy; and*
- *road and sidewalk maintenance, where additional to normal capital works schedules.*

Eligible community infrastructure projects could include works involving:

- *Closed Circuit TV (CCTV);*
- *bicycle and walking paths;*
- *painting or improvements to community facilities;*
- *repairing and replacing fencing;*
- *improved accessibility of community facilities and areas;*
- *landscaping improvements, such as tree planting and beautification of roundabouts;*
- *picnic shelters or barbeque facilities at community parks;*
- *playgrounds and skateparks (including all ability playgrounds);*
- *noise and vibration mitigation measures; and*
- *off-road car parks (such as those at sporting grounds or parks)."*

Integrated Planning and Reporting Reference

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

A2: Provide and advocate for services that respond to the needs of our community.

B1: Improve services and infrastructure that supports our rural business.

B1: Provide business support to our community.

Legislative Policy & Planning Implications

Nil.

Budget & Financial Aspects

The income and expenditure of LRCI funds has not been included in the Draft 2020/21 budget.

Attachments

Nil.

Recommendation: That the information regarding the new Local Road and Community Infrastructure Program be noted and that a further report be brought back to Council when the grant guidelines have been received.

4. THE LOCKHART RECREATION GROUND MANAGEMENT COMMITTEE – REQUEST FOR FINANCIAL ASSISTANCE (GM/C70-035)

Executive Summary

A request for financial assistance has been received from the Lockhart Recreation Ground Management Committee and Lockhart Football Netball Club.

Report

The Lockhart Recreation Ground Management Committee has written to Council advising that it has been approached by the Recreation Ground's main user body, the Lockhart Football Netball Club, for financial assistance.

As per report in this agenda, Item 2, there is a funding shortfall with regards to Stage 1 of the project Lockhart Recreation Ground – Extend and Upgrade Amenities Building. The funding shortfall is due mainly to the change to scope of works, which is explained in the report item 2.

As a result of the funding shortfall, the scope of works will be revised. It is not envisaged that any revision to the scope of works will reduce the cost of Stage 1 to the amount of the initial grant received under Stronger Country Communities Fund Round 2 and still comply with the AFL's Preferred Facilities Guidelines.

The funding assistance the Lockhart Football Netball Club is seeking is in the form of an interest free loan of up to \$75,000 to be repaid over 15 years. In addition to this the Lockhart Football Netball Club is contributing \$25,000 in cash. Also, when the local Rotary Club wound up, they donated \$9,000 to the Recreation Ground project. The Lockhart Football Netball Club are also seeking a co-contribution from Council, if there remains a funding shortfall after costings for the revised scope of works are received.

Application has been made to the AFL for 10% funding under the AFL's Facilities Funding Program. The AFL have been aware of this project since the SCCF Rd 2 was announced and while for a formal application to be considered tender prices were required, this is now possible.

Lockhart Football Netball Club were provided with a \$40,000 interest free loan from council in 2016 for the construction of new netball courts. Annual payments are up to date.

With the plan to reduce the scope of works, thereby reducing the funding shortfall and if an interest free loan is approved, it is anticipated there will be the required funding to enable Stage 1 to proceed.

Integrated Planning and Reporting Reference

- A1: Build capacity, capability and partnerships to encourage sustainable community groups and clubs.
- A1: Provide support and advice to community groups, clubs and volunteers.
- A1: Within financial means support and fund section 355 committees to manage and maintain council facilities.

Legislative Policy & Planning Implications

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

Budget & Financial Aspects

Council has sufficient cash funds to enable an interest free loan up to \$75,000, and with record low interest rates the foregone interest for now would be minimal. If Council was to consider any contribution, the 2019/20 Budget allocation for financial assistance granted pursuant to Section 356 of the Local Government Act, has been expended. Council could allocate from the 2020-21 Budget allocation for section 356 or fund from 2019-20 Quarterly Budget review budget surplus.

Attachments

1. Letter from Lockhart Recreation Ground Management Committee.
2. Letter from Lockhart Football Netball Club.

Recommendation: that Council:

- a) Approve an interest free loan up to \$75,000 with repayments at \$5,000 per annum.
- b) Approve a co-contribution of up to a maximum of \$10,000 if there is a funding shortfall after revised scope of works and revised costings have been received, with the co-contribution to be funded from the 2020-21 Budget allocation for section 356 or from 2019-20 Quarterly Budget review budget surplus

Item 4 – Attachment 1: Letter, Lockhart Recreation Ground Management Committee

File No:	C70-0351
Log:	33613
	INFO REPLY REPORT
GM	<input checked="" type="checkbox"/>
DCCS	
Rec'd	11 JUN 2020
DEES	
MES	
HR	
TEDO	

Mr John Fox

President

Lockhart Recreation Ground
Management Committee

Lockhart NSW 2656

June 9, 2020.

Mr Peter Veneris

General Manager

Lockhart Shire Council

Lockhart NSW 2656

Dear Peter,

The Lockhart Recreation Ground Management Committee write to Council on behalf of the facility's main user body, Lockhart Football Netball Club seeking financial assistance. (See attached letter.)

As you would be aware, after tender documents were submitted there is a funding shortfall to complete stage 1 of the facilities upgrade.

The initial scope of works and preliminary costings didn't include Australian Football League Women (AFLW). With the introduction of The Riverina Bluebells, our own local AFLW side, our facilities now need to comply.

The Recreation Ground committee are also in the final stages of their business case to the AFL who have indicated, provided we meet all criteria to include AFL and AFLW, which the new scope of works complies with, they will contribute up to 10% of the total stage costs.

The Lockhart Football Netball club has committed to contribute \$25,000 towards the completion of stage one and wish to obtain a \$75,000 interest free loan over the next 15 years from Council.

Over the past 15 years the facilities have deteriorated to a point where we no longer comply with the governing bodies basic standards. The above request will be vital to the successful start and completion of stage 1 and provide a much needed injection for local sporting facilities.

We hope Council can look favorably on the above request.


I am available to discuss at anytime if the need arises.

Kind regards

John Fox

President, Lockhart Recreation Ground Management Committee.

Item 4 – Attachment 2: Letter, Lockhart Football Netball Club



**Lockhart Football
& Netball Club Inc.**

ABN 37 903 055 022

P.O. Box 97
Lockhart NSW 2656

President: Bob Mathews 0429 205 608
Secretary: Jo Pincott 0428 228 910
Treasurer: Felicity Day 0428 295 215
Treasurer: Clare McNamara 0455 720 468

15 May 2020

Attention: John Fox
Lockhart Recreation Ground Management Committee
C/- T Hounsell 25 Brookong St
LOCKHART NSW 2656

Dear John,

Following our recent conversation, I wish to outline the Lockhart Football Netball Club's (LFNC) position regarding the funding of Stage One, of our upcoming Lockhart Football Netball Club pavilion renovation. The LFNC will provide \$25,000 towards the capital cost of this development. The LFNC would like to ascertain the likelihood of the Shire providing a \$75,000, 15 year interest free loan for this project.

Incidentally John, do you feel there would be a likelihood of the Shire matching our \$25,000 commitment on a dollar for dollar basis.

If you require further information, please feel free to contact me.

Sincerely

Bob Mathews
President
LFNC

STRATEGIC DIRECTION B: A Dynamic and Prosperous Economy

5. SHIRE AND TOWN ENTRANCE SIGNS

(GM/G10-005)

Executive Summary

Final designs for the proposed new shire and town entrance signs are tabled for Council's endorsement.

Report

In April 2018 Council was advised of a notional allocation of \$764,000 for the Lockhart Shire Local Government Area under Round 2 of the NSW Government's Stronger Country Communities Fund (SCCF). At its meeting held on 16 April 2018 Council considered a range of projects for which it could seek funding noting that priority was to be given to sporting infrastructure, community infrastructure and place making/ beautification projects. One of the successful applications submitted included new shire and town entrance signs.

Council's Tourism and Economic Development Steering Committee (TEDSC), which includes both councillor and community representatives from across the Shire, was tasked to consider a range of options that could form the basis of wider community consultation.

Council subsequently resolved at the March 2019 Ordinary Meeting of Council that first impressions of the mock-up town entrance signs put forward by the TEDSC were positive and formed a good basis for community consultation.

That community consultation was undertaken in June 2019, with two submissions received which were tabled at the Council meeting held on 15 July 2019. At that meeting it was resolved that Council:

- a) *Endorse the shire entrance and town sign proofs in principle;*
- b) *Refer the signs back to Council's Tourism and Economic Development Officer for further development and liaison; and*
- c) *A further report is brought to Council in due course prior to undertaking another round of community consultation".*

The Tourism and Economic Development Officer (TEDO) undertook further consultation with community organisations, including the respective progress associations in the Shire. As a result of this further consultation the following proposal, based on the design concepts attached, was formulated and recirculated for community feedback:

- Two different Shire entry signs i.e. Galore Hill and The Rock Hill with the respective signs to be relevant to the location at which they are to be installed at boundary entrances.
- Panels under the main sign can be added or removed as necessary e.g. a panel for The Rock Regional Observatory can be added once the project is complete.
- All signs to have rings installed on the bottom of the structure, as shown on the attached Yerong Creek sign example, to enable temporary event signage with council approval.
- Sign templates are currently blue, dark green heritage colour preferred.

Since the attached concepts were recirculated for comment by the TEDO positive responses have been received from The Rock and Pleasant Hills communities.

Integrated Planning and Reporting Reference

B1: Manage and improve the appearance of our towns, in line with their desired identities.

B2: Improve the image of Lockhart Shire for tourists.

Legislative Policy & Planning Implications

Nil.

Budget & Financial Aspects

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

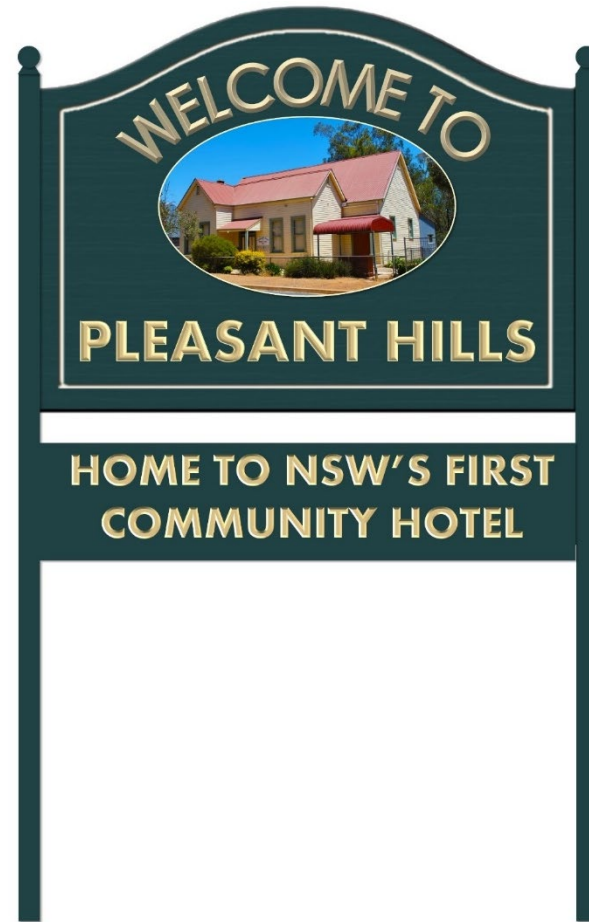
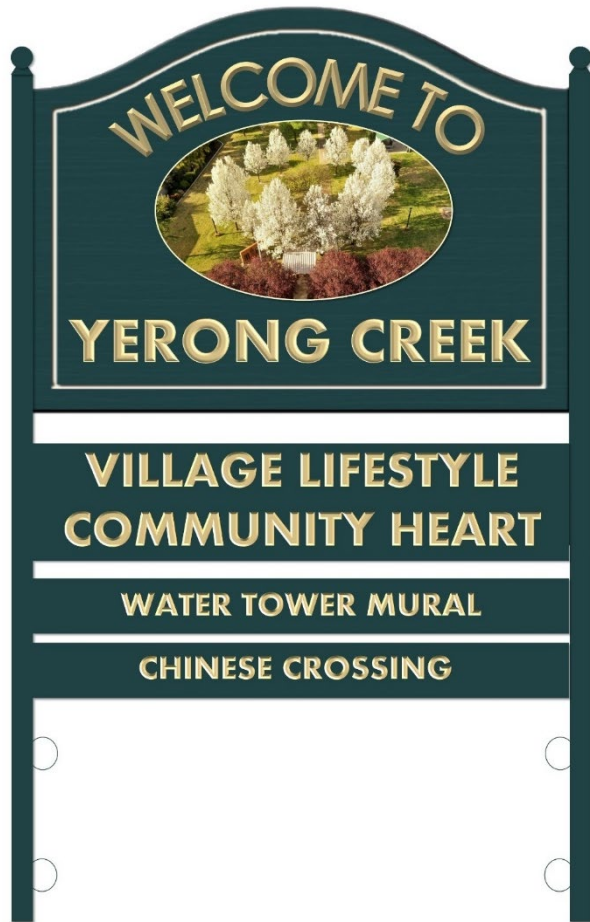
Attachments

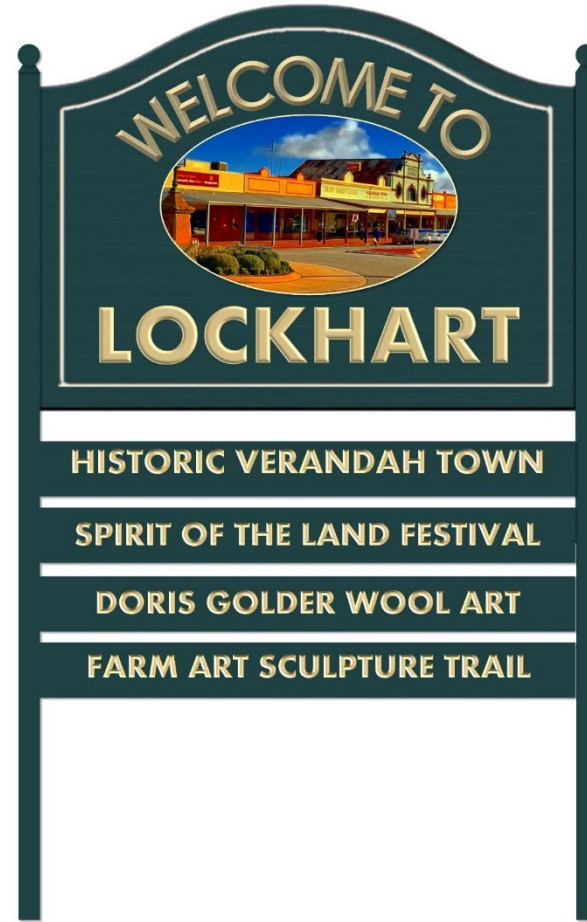
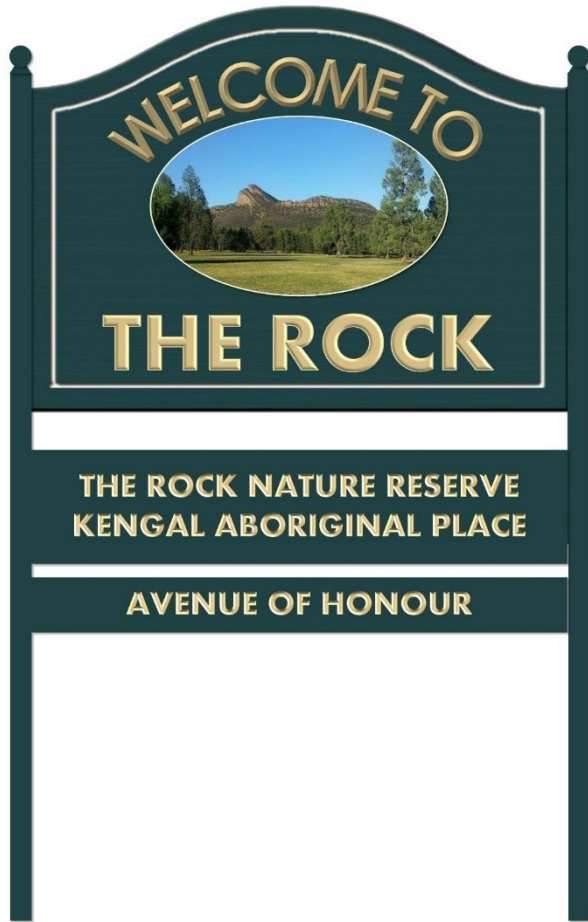
Shire and town entrance signs - concept designs.

Recommendation: That Council endorse the concept designs for the new shire and town entrance signs attached to this report and approve the ordering and installation of the signs.

Item 5 – Attachment: Shire Town and Entrance Sign Concept Designs







6. SALE OF 55 SCOTT STREET, THE ROCK

(GM/L05-055)

Executive Summary

The purpose of this report is to seek Council's consent to the execution of documentation relating to the sale of 55 Scott Street, The Rock under Council's seal.

Report

In 2017 Council received an offer from a non-resident ratepayer to acquire a property for nil consideration. The offer was made by the ratepayer's solicitor on their behalf in relation to the property at 55 Scott Street, The Rock being Lot 2 DP255427. The ratepayer's solicitor advised at the time that their client had owned the property for 30 years, has been unable to sell it and could no longer afford to keep it. Council resolved to accept the offer and the title to the land.

At the Council meeting held on 20 April 2020 a review of surplus operational land was tabled for Council's consideration. At that meeting Council resolved to offer 55 Scott Street The Rock for sale. Based on advice received from Council's real estate agent a sale has been negotiated for \$43,000 and authority to execute the relevant documentation under Council's seal is now sought.

Integrated Planning and Reporting Reference

B1: Provide strong strategic direction for economic development.

E1: Advocate and prepare for the long-term sustainability of our Shire.

Legislative Policy & Planning Implications

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

Budget & Financial Aspects

Costs associated with the sale of the land will be met from the sale proceeds.

Attachments

Nil.

Recommendation: That the Transfer document relating to the sale of 55 Scott Street, The Rock being Lot 2 DP255427 be executed under Council's seal.

STRATEGIC DIRECTION C: An Environment that is Respected and Protected

7. PROJECT ENERGYCONNECT

(GM/E20-005)

Executive Summary

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

Report

It was reported at the last Council meeting that it is proposed to construct a new 330 kilovolt above ground transmission line between Robertstown in South Australia and Wagga Wagga in NSW that will pass through numerous local government areas including Lockhart Shire.

It was also reported at the last meeting that TransGrid commenced a program of stakeholder consultation some months ago and a number of community drop-in sessions have been held in NSW local government areas at the western end of the route. Whilst it was planned to convene similar consultations in Lockhart Shire, the current restrictions around travel due to the COVID-19 pandemic, meant that TransGrid's community engagement events have been on hold since March 2020. It was further reported that TransGrid would shortly be contacting potentially affected landowners directly before embarking on the broader community consultation regarding the proposed route.

By way of further update the following information has now been obtained from TransGrid in relation to the Project since the last Council meeting:

Correspondence with ratepayers – TransGrid has forwarded correspondence to property holders within the preliminary study corridor. Further landholder engagement will take place in the coming weeks in the form of phone calls and face to face meetings with the affected property holders where appropriate.

Study corridor – Now that TransGrid has made contact with affected land holders, the study corridor has been made available on the Project website with an opportunity for comment on considerations within the area. For the most part the corridor follows the route of the existing major transmission line through the Shire with the exception of a short section at the western end of the Shire. A map showing the study corridor can be viewed at <https://transgrid.com.au/energyconnect>.

Community drop-in sessions – TransGrid will be hosting a series of drop-in sessions for communities to engage with the Project and provide local feedback and insights to help inform the route. Community drop-in-sessions will be held in Balranald on 26 June and Hay on 27 June with additional sessions proposed to be held in July in Coleambally, Urana, Lockhart and Wagga Wagga with the exact dates are to be confirmed. These community sessions will be arranged so as to comply with any restrictions related to controlling the spread of the coronavirus.

Local Business Opportunities – TransGrid is working with the Industry Capability Network to involve local business in Project EnergyConnect. TransGrid is seeking expressions of interest (EOIs) across a range of areas including civil engineering, quarry products, haulage, logistics, traffic management, concreting and fencing. Whilst local businesses may have received a direct notification when the project was listed, the opportunity to submit an EOI will be circulated to businesses in the area.

Community Partnerships Program – TransGrid has a Community Partnerships grants program aimed at local community organisations and recently finalised the assessment of applications for 2020. The Rock & District Meals on Wheels was successful in receiving grant funding to purchase new equipment for meal deliveries to the elderly. TransGrid will be calling for another round of applications in October of this year.

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 in terms of planning approvals, the NSW section of the project will be assessed at a State Government level under the Critical State Significant Infrastructure process.

Budget & Financial Aspects

Nil.

Attachments

Nil.

Recommendation: That the information be noted.

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

8. ENGINEERING AND ENVIRONMENTAL SERVICES REPORT (DEES/T10-005)

Executive Summary

Monthly report on engineering and environmental services matters.

Background Information

a) **Works:**

Urana Road (MR 59): Approximately 10.7 kilometres of Urana road shoulder widening works completed to date. Also completed table drains, batters and sealing. Linemarking completed. Works to continue late August/early September subject to weather conditions.

Flood Detour Road: Culverts are installed. Sealing is completed.

Western Road (R2R): Sealing of 3.7km of Western Road is completed with signage installed in February 2020. Some minor drainage works to be completed subject to dryer conditions.

Urana Road and Narrandera Road Intersection: Sealing completed, with hold lines to be marked.

HVSPP culvert upgrades: Culverts installed at Flood Detour Road. Culverts ordered and being installed at Grubben Road (80% complete). Culverts delivered for Lockhart The Rock Road and The Rock Bullenbong Road (currently finalising quotes from suitable contractors).

Grading and minor gravelling of unsealed roads: Continuing in accordance with the 12-month programme. Recently completed grading and resheeting on Spanish Avenue, Lockhart Tip Road, McRories Lane and Adams Lane. Kilbrae Road graded and minor gravel works completed. Grading completed on Vincents Road, Plums Lane, Seeligers Lane, Shipards Lane and Finlaysons Lane.

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

b) **Major Projects:**

Flood Mitigation Construction-The Rock: Council submitted a revised grant application for Stage 2 flood mitigation works at The Rock, being the drainage works along Nicholas, Yerong and Urana Streets.

c) **Road Safety:**

Road Safety Audits: The Road Safety Officer is continuing with the safety audit of roads within the Shire. The audit will form the basis of Council's Strategic Road Safety Plan and will be used for grant applications in the future.

Road Safety Strategy: Drafting a Road Safety Strategy that will underpin the annual Road Safety Action Plan from 2021.

Crash Data: Analysing latest available 5-year crash data to support future infrastructure and behavioural projects.

Road Safety Projects: Completed proposals for 2020/21 road safety projects. Waiting for TfNSW approval.

d) **Traffic Committee:**

Nil

e) **Lockhart Local Emergency Management Committee:**

The last meeting of the Lockhart LEMC was held on Friday 12 June 2020.

The LEMO participate in as many REMC and Riverina Murray (East) REMO-LEMC COVID-19 video conferences as possible. The Riverina Murray (East) REMO-LEMC video conference includes the LEMCs of Albury City, Bland, Coolamon & Junee, Greater Hume, Leeton, Lockhart, Narrandera, Temora and Wagga Wagga councils.

f) **Fleet:**

All plant replacement in accordance with the adopted 2019-20 budget are completed.

g) **Biosecurity and Environment:**

Weeds: Inspections were carried out on residential, rural and commercial properties, which were selected due a change in ownership or to assess the effectiveness of applied control methods.

The weeds most commonly found were Bathurst burr (*Xanthium spinosum*), Horehound (*Marrubium vulgare*), Bridal creeper (*Asparagus asparagoides*), Asparagus weed (*Asparagus sp.*), Athel pine (*Tamarix aphylla*), Privet (*Ligustrum sp.*), Silverleaf nightshade (*Solanum elaeagnifolium*), and Wild radish (*Raphanus raphanistrum*).

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	3	0	0	0	0	0

Control Program: Priority has been given to the control of Bathurst burrs (*Xanthium spinosum*), Feathertop Rhodes grass (*Chloris virgata*), and Silverleaf nightshade (*Solanum elaeagnifolium*) on roadside reserves.

h) **Parks and Gardens:**

Capital Works: Works including the excavation of the nature strip between the footpath and the kerb, installation of crushed granite, boxing out tree sites, and planting and mulching new trees has been completed at The Rock Medical Centre, Day Street, along with some landscaping to tidy up a small section of the premises adjacent to the laneway.

Mowing and Slashing: The autumn mowing schedule is well underway. All areas are growing quickly due to recent rain. The fortnightly mowing schedule of irrigated areas are still required but should ease back now that cooler temperatures arrived.

Weed Control: Khaki and Cathead are being chipped and sprayed in known problem areas; recent rain has renewed growth and many areas will require follow up treatment. Any assistance from residents in the form of reporting infestations or controlling outbreaks adjacent to their properties is appreciated. Regular spraying and weeding of winter weeds will continue in urban areas.

Trees: The watering of street trees are relaxed due to recent rain and cooler temperatures. Many of the trees are entering their dormant period. Pruning of street trees and lanes has commenced and will continue over the winter months. The focus has been on peppercorns in Lockhart's CBD and footpath clearance in Green Street.

i) **Development Applications:** the following development applications were approved, with conditions, from 1 May 2020 to 31 May 2020.

DA No	Development	Applicant	Site of Development
15/20	Placement of second-hand dwelling	Nicholas Stone	2 Cole St, Yerong Creek
45/20	New workshop	Rachel Bohm	Corner Scott St, The Rock Mangoplah Rd, The Rock
46/20	Mural on Milbrulong Water Tower	Milbrulong Hall Committee	Station St, Milbrulong
47/20	New detached shed	Simon Hounsell	5 Bond St, Lockhart

DA No	Development	Applicant	Site of Development
48/20	New detached shed	Lockhart Shire Council	40 Tip Rd, Lockhart
49/20	New detached shed	Paul Mulholland	47 Hebden St, Lockhart
50/20	Demolition of dwelling	Aaron Meyers	55 King St, The Rock
51/20	New detached shed	Aaron Meyers	55 King St, The Rock
52/20	Installation of a new transportable dwelling	Aaron Meyers	55 King St, The Rock
53/20	New dwelling and detached shed	Clinton Davies	Barton St, Lockhart
54/20	New dwelling and detached shed	Simon Hounsell	179 Green St, Lockhart
44/20	13x self-storage units	A & S Mulholland	8 Harry Davies Dr, Lockhart

Legislative Policy and Planning Implications

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

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

Integrated Planning and Reporting Reference

C2: Flora and Fauna are protected across the Shire.

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

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

Budget and Financial Aspects

Will be conducted within Council's allocated budget.

Attachments

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

Recommendation: that the information provided in the Engineering & Environmental Services report be noted.

9. VERANDAHS, AWNINGS AND BALCONIES

(DEES/I10-005)

Executive Summary

The purpose of this report is to discuss the possibility of Council taking over insurance of the verandah/awning structures over public footpaths within the Shire.

Background Information

It was resolved at the Ordinary Council Meeting on 18 May 2020 that a report be brought to Council regarding the possibility of Council taking over insurance of the verandah/awning structures over public footpaths within the Shire (minute no. 78/20).

Lockhart is promoted as the verandah town with approximately 95% of shopfronts along Green Street in the central business district with awnings, verandahs or balconies. At the Ordinary Council Meeting on 15 May 2017 it was resolved that Council adopts the Awnings, Verandahs & Balconies over Footpaths Policy (Policy 2.48). The policy provides direction for the construction, management and maintenance requirements and responsibilities in relation to awnings, verandahs and balconies constructed over Council public roads, including footpaths.

The report presented at that meeting advised that there are several policies adopted by councils regarding the safety and subsequent responsibility for awnings, verandahs and balconies following a fatal accident at Bathurst in 1998. One thing that is consistent, is that awnings, verandahs and balconies form part of the building to which they are attached and therefore are the responsibility of the owner of the building, even if located over a footpath.

In accordance Council's adopted Policy 2.48 Awnings, Verandahs & Balconies over Footways Policy:

- "The property owner is responsible to ensure the maintenance, safety and ongoing structural integrity and insurance of awnings, verandahs and balconies constructed over footways"; and,
- "Property owners are required to hold Public Liability Insurance and/or structural certification at any time and random checks will be undertaken as resources permits".

Similar requirements are also contained in policies of NSW councils for example the City of Wagga Wagga's Awnings Policy, Albury City's Encroachment on Council Land Policy and Coolamon Shire Awning Policy.

Advice on the matter was sought from Local Government NSW (LGNSW) legal unit. LGNSW advised that:

"Ownership of the verandahs

The verandahs and the verandah footings which are affixed to the footpath are part of the building to which they are attached and so are owned by the owner of that building.

In determining whether a structure is part of a building a court will look at a number of factors:

The purpose of annexation:

- *Whether the attachment was for the better enjoyment of the building to which it was attached*
- *The nature of the property the subject of affixation*
- *Whether the item was to be in position either permanently or temporarily*
- *The function to be served by the annexation of the item*

The degree of the annexation:

- *Would removal cause damage to the land or buildings to which the item is attached*
- *The mode and structure of annexation*
- *Whether removal would destroy or damage the attached item of property*

In examining all those factors, there is little doubt that the verandah and the footings are part of the building.

Liability of council

Under the Roads Act 1993 a footway means that part of a road as is set aside or formed as a path or way for pedestrian traffic. This means that the verandah footings on the footway are on a public road and the verandah is over a public road. Because of this section 142 of the Roads Act does apply to these as structures.

Section 142 says that a person who has a right to the control, use or benefit of a structure in, on or over a public road must maintain the structure in a satisfactory state of repair. In this case this could be either the owner or depending on the lease, the lessee of the building.

In short, any liability of the council would depend on whether the council failed in its duty to ensure that the owners maintained the verandahs and the posts in good repair, and if it was this failure that lead to a person being harmed."

Enquiries were also made with Council's insurer who expressed the same view i.e. that the owners of the buildings to which the structures are attached are legally responsible for the maintenance and repair of the structures. Notwithstanding this, Council's insurer also indicated that if Council wished to accept

responsibility for these structures, even though it is not legally obligated to, the structures could possibly be covered under Council's insurance policy providing that Council has an Insurable Interest in the structures that belongs to another party. Council will be required to:

- Maintain the structural integrity of the structures with a monitored and audited upkeep of maintenance (as per its current policy);
- Enter into an agreement with the relevant building owners in which it accepts responsibility of the structures attached to the building.

An additional insurance premium will be payable for the structures to be covered under Council's property policy. The additional premium will be based on the replacement value of the structures. Council would be required to provide its insurer with an estimate of the replacement value supplied by a building surveyor or other suitably qualified person.

With respect to public liability insurance there would be no additional premium if Council brought the structures under its insurance policy. This is because public liability insurance premiums are based on other factors e.g. Council's revenue, number of staff etc.

Other matters to consider include:

- Based on information reviewed to date, Lockhart Shire Council will be the only council taking on the responsibility for privately owned awnings, verandahs and balconies constructed over footways.
- There will be a potential duplication of cover. Some insurers may not have excluded cover to the property owner nor the extension of public liability, e.g. discussions with the owner of the recently damaged verandah revealed that the structure is included under their insurance policy and that they are currently in the process of preparing a claim.
- Potential for the community to request consideration to insure and maintain other privately owned infrastructure in road reserves such as driveways, etc.

There are several options that Council can consider, the main options being:

- a) Status Quo remains – No change to the current Awnings, Verandahs & Balconies over Footpaths Policy (Policy 2.48)
- b) Council accepts responsibility (insurance, inspections and maintenance) of all awnings, verandahs and balconies and amend Policy 2.48 accordingly.

Based on the information provided above it is recommended that the status quo remains.

Legislative Policy and Planning Implications

- The *Roads Act 1993* s142(1) clarifies the responsibility for awnings over roads, including footpaths, by requiring that a person having the right to control the structure must maintain it in a satisfactory state of repair.
- *Environmental Planning & Assessment Act 1979*.
- *Local Government Act 1993*.
- NSW Planning Circular BS13-001 entitled "Safety of Awnings Over Public Lands", dated 8 March 2013.

Integrated Planning and Reporting Reference

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

Budget and Financial Aspects

There would be an additional premium to Council's current insurance premium. In addition, Council will also be responsible for the maintenance of the existing structures to ensure they are structurally safe. It is estimated that a detailed structural assessment of the awnings, verandahs and balconies could cost between \$60,000-80,000. Any cost associated with repairs required would be subject to the outcome of the structural assessment. Annual maintenance costs are estimated at between \$8,000-16,000 (this

cost could be lower/higher based on the outcomes of the structural inspection and any initial works undertaken).

Attachments

Nil.

Recommendation: that Council:

1. Notes the information provided in the Engineering & Environmental Services report.
2. Retains its current Awnings, Verandahs & Balconies over Footpaths Policy (Policy 2.48).

10. HIRE (WET) PLANT AND EQUIPMENT

(DEES/T20-010)

Executive Summary

The purpose of this report is for Council to approve a list of contractors for the hire (wet) of plant and equipment.

Background Information

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

A request for quotations for the hire (wet) of plant and equipment for the 2020-21 financial year was advertised in May 2020. The request for quotations closed on Monday 1 June 2020.

Council received seven (7) quotes:

Lockhart Earthmoving

1. Lockhart Earthmoving
2. R & L Holyoake
3. JCQ Truck Hire Pty Ltd
4. RW & LM Thompson
5. Ridges Quarries
6. Mitchel Constructions (NSW)P/L
7. Campos Earthworks

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

Contractor	ABN	WH&S System	Schedule of Plant	Public Liability Insurance	Personal Accident Insurance
Lockhart Earthmoving	√	√	√	√	√
R&L Holyoake	√		√	√	√
TCQ Truck Hire	√	√	√	√	√
RW & LM Thomson	√		√	√	√
Ridges Quarries	√	√	√	√	√
Mitchell Constructions	√		√	√	√
Campos Earthworks	√		√	√	√

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

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

Based on the above assessment the lowest price (rates) may not be used.

Once hired, a daily equipment hire order including a safety check must be completed.

Legislative Policy and Planning Implications

Local Government Act 1993.

Integrated Planning and Reporting Reference

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

Budget and Financial Aspects

Nil

Attachments

Nil.

Recommendation: that Council approves the following contractors for the hire (wet) of plant and equipment for the 2020-21 financial year:

1. Lockhart Earthmoving
2. R & L Holyoake
3. JCQ Truck Hire Pty Ltd
4. RW & LM Thompson
5. Ridges Quarries
6. Mitchel Constructions (NSW)P/L
7. Campos Earthworks.

11. REVIEW OF DEVELOPMENT CONTRIBUTIONS PLAN 2015 FOR THE COUNCIL OF LOCKHART SHIRE (MES/P25-015)

Executive Summary

The provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 ('the Act') enables Council to charge a levy to developers as a means for funding improvements to local infrastructure and services.

In accordance with the Act and associated Regulations, Council is required to make of a Development Contributions Plan to impose the conditions for payment of levies, and to what infrastructure the levies will contribute.

This new Plan replaces the existing Plan, which was adopted by Council in June 2015.

Report

Section 7.12 (formerly s94a) of the Act has traditionally been the principal method enabling councils to levy contributions for public amenities and services required as a consequence of development. This may be the provision of new facilities for a new area or may be the expansion of existing facilities where a developed area is growing.

Section 7.12 contributions are imposed by way of a condition of development consent or complying development, and can be satisfied by:

- dedication of land;
- a monetary contributions;
- material public benefit; or
- a combination of some or all the above.

The making of a Contributions Plan places a financial obligation on Council to deliver the public amenities and public services that it has identified and for which development contributions are then sought.

The new Plan replaces the 2015 version which, over its life, has levied contributions to the value of \$403,574 to developers. Funds derived from the plan have contributed towards the new pools at Lockhart and The Rock, and the toilets in Walter Day Park in Lockhart.

Given its value as a means for increased revenue and, based on the same or similar growth throughout the Shire, Council intends to continue providing this level of supplementary funding through levying of contributions.

Integrated Planning & Reporting Reference

D3.1: Develop infrastructure that supports growth within our community.

Legislative Policy and Planning Implications

The draft s7.12 Contributions Plan has been developed in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and Regulations 2000. Council are required the Plan to be publicly exhibited for 28 days prior to adoption by the Council.

The Plan applies to all the land within the Shire.

Budget and Financial Aspects

Levies will continue to be collected by Council's Environmental Services Department upon the issue of Part 4A Certificates, and once received, are administered by the Council's Director Corporate and Community Services.

While the legislation allows levies to be pooled, any expenditure must be in accordance with the works program outlined in PART A of the Plan. Variations to the works program are required to be reapproved by the Council in accordance with the prescribed Regulations.

Attachment

Draft Section 7.12 Development Contributions Plan for the Council of Lockhart Shire 2020 (under separate cover).

Recommendation: that Council display the draft Section 7.12 Development Contributions Plan for public exhibition for 28 days, after which a further report be presented to Council.

12. VARIATION TO DEVELOPMENT CONTROL PLAN

(MES/P25-030)

Executive Summary

Council have received a request for a variation to the development standards for fence heights as prescribed by the Lockhart Shire Council Development Control Plan 2016.

Background Information

To ensure that development positively responds to the character of the Shire's village areas, the Lockhart Shire Development Control Plan 2016 (DCP) sets in place development restrictions on development in residential and village areas. Recently, Council have received an application for a front boundary fence to an existing residential allotment; the design of which does not comply with the DCP.

In this instance, the applicant seeks consent to erect a front boundary fence at 13 Plunkett Street in Yerong Creek. The DCP permits front boundary fences of solid construction to 0.9 metres high, however for privacy reasons and for security of companion animals the applicant would prefer a solid fence measuring 1.5m high.

Upon inspection of the site, Council staff observed the following matters:

- **Streetscape** – Currently, there is no fence at all along the front of the property. An existing detached shed and former commercial use buildings have immediate frontage to Plunkett Street. There is no set back from the boundary.

The property is made up of multiple allotments, all of which are highly visible on a main thoroughfare through the Yerong Creek village. Despite the wide road reserve, there is no concrete footpath, and there are no street trees or landscaping along the nature strip.

The location is right in the commercial or central business area of the village.
- **Precedence** – Within the central business precinct of the village, that being along Plunkett Street, there are some front boundary fences that are of solid construction and over the height restriction applied by the DCP. There are also a number of open-style fences, such as wire mesh fences, which line the street.

The site is located within the heritage conservation area of the village, and so heritage advice has been sought with respect to the fence construction. A copy of the advice is attached to this report. The heritage advisor states that a solid metal sheet front fence would visually detract from the heritage streetscape and be unacceptable. Planting of a hedge is recommended if privacy is desired. This advice has been given to the applicant already. However, it was not well received. As such, the request for a variation to the DCP was lodged and is presented to Council accordingly.

The applicant cites security for companion animals, and improved privacy as justification for the higher fence. From inspection of the site, a higher fence of solid construction will provide greater privacy to the landowner and their personal belongings, which are clearly visible from the street and public space. Council have received complaints about the visual impact of this premises previously, and a fence of solid construction could help improve street aesthetics. The existing detached shed which fronts the property is of corrugated iron cladding with a galvanized finish. This design and finish are consistent with the development standards for sheds and garages in heritage conservation areas.

Aside from the potential aesthetic impacts, a comprehensive assessment of the development application under 4.15 of the EP & A Act 1979 has not revealed any other issues that may appear problematic with respect to the natural or built environments.

Integrated Planning and Reporting Reference

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

Legislative Policy and Planning Implications

The development as proposed requires a variation to Council's Development Control Plan 2016.

In accordance with Sec 4.15 of the Environmental Planning and Assessment Act 1979, Council are to consider, as with all development applications, the likely impacts of that development, and the suitability of the site for the development.

Budget and Financial Aspects

Nil.

Attachments

- Letter from applicant
- Photographs of proposed site
- Copy of heritage advice

Recommendation: that Council grant consent for a variation to the Lockhart DCP, thereby supporting the erection of a 1.5m high corrugated iron fence to the front boundary of 13 Plunkett Street, Yerong Creek, on the provision it be of galvanized iron finish to match the existing detached shed.

Item 12 – Attachment 1: Letter from Applicant



LOCKHART SHIRE COUNCIL

65 Green Street LOCKHART NSW 2656 PO Box 21 LOCKHART NSW 2656
Ph: (02) 6920 5305 Fax: (02) 6920 5247 Email: mail@lockhart.nsw.gov.au
Website: http://www.lockhart.nsw.gov.au

File P25-010

Application for Variation to Development Control Plan

1.	DA No ____ / ____				
2.	Subject of Land:				
House No	13	Street	Plunkett Street		
Town	Yerong Creek.				
Lot		Section		DP	

Information for the applicant

Notwithstanding any provisions of this DCP, other than those standards included in other legislation or are only permitted to be varied as development standards, Council may consider a variation to the DCP.

- Any application which seeks to vary a development control under Council's Development Control Plans (DCP) must be supported by a written request. Applicants should use this proforma to address any relevant matters.
- No guarantee can be given that the request will be supported. The nature of the variation will determine whether it can be determined under delegation or at a council meeting. You are strongly encouraged to design within the DCP controls.
- You may attach additional information to this form if there is insufficient room.

3.	Details of the Development Control Plan proposed to be varied
----	---

Part proposed to be varied – (for example – part 2.2 residential and village development)

front fence height and material

What control/s is/are proposed to be varied?

We would like to erect a 1500 high steel and new corrugated iron ^{front} fence with a 3600 Farm style gate.

Why is/are the control/s unreasonable for the proposal?

~~we want~~ because we have pet's we want to keep in our yard and other people's animals out of our yards. and would like to have some privacy as we have children.

How does the proposal meet the objectives of the above mentioned control?

to keep our animals in and ~~other~~
other people's animals out and to
have some privacy.

Any other considerations?

We think our request is reasonable
as there are a number of other
colourbond front fences higher than
1500 high in the same street as us.

Item 12 – Attachment 2: Photographs of Proposed Site



Item 12 – Attachment 3: Copy of Heritage Advice

Alan Gundrill

From: Peter Kabaila <peterkabaila1@gmail.com>
Sent: Thursday, 19 March 2020 12:04 PM
To: Alan Gundrill; Lockhart Shire Mail
Subject: FRONT FENCE 13-15 PLUNKETT ST YERONG CREEK

FRONT FENCE 13-15 PLUNKETT ST YERONG CREEK

Dear Alan

Thank you for forwarding this inquiry.

Heritage advice is:

- Any new front fences in the conservation area should be see-through with a maximum height of 1200mm.
- Farm style gates (if see-through) are acceptable.
- Rural style wire fences are acceptable.
- A solid metal sheet front fence would visually detract from the heritage streetscape and be unacceptable.
- A hedge may be planted if privacy is desired.
- Other examples of front fences in conservation areas include vertical metal pickets, timber pickets, woven steel mesh on timber or steel frame, timber post and rail with wire infill.

I would be happy to provide further heritage advice if needed.

Yours faithfully,
Peter
Dr Peter Kabaila
Mob +61 0403 727 805

Black Mountain Projects Pty Ltd.
Heritage-Architecture-Archaeology
www.blackmountainprojects.com

Friends of Vietnam Orphanages Inc
Registered charity assisting orphanages & village projects
www.hporphanaqe.asn.au

13. GRANT APPLICATION PREPAREDNESS

(GM/G10-005)

Executive Summary

A more proactive approach is proposed to assist in being better prepared to take advantage of grant funding opportunities as they arise.

Report

A report was tabled at the February 2020 Council meeting proposing a more proactive approach to assist in being better prepared to take advantage of grant funding opportunities as they arise. Often projects are identified in response to an unexpected grant opportunity that has arisen. There are a number of risks in submitting grant applications for projects that are not “shovel ready” including the following:

- The project costs may be underestimated due to the limited time and information available when bidding for unexpected grants, in which case Council may have to provide the additional funding to have projects completed;
- Where grant funding is in fact secured, much of the time available under the funding deed for delivery of the project is taken up with the preliminary planning activities, especially where third party approvals may be required. This leaves less time for actual delivery of the project, thereby increasing the risk of not being able to meet the milestone progress deadlines incorporated into the funding deed.

In accordance with the report tabled at the February 2020 Council meeting, an amount of \$40,000 has been included in the Draft 2020/21 Budget for ‘grant application preparedness’ i.e. preparation of concept plans and other project planning activities so as to progress projects to ‘shovel ready’ status so that Council is better placed to take advantage of grant opportunities as they arise.

At the February Council meeting Council also resolved to determine a priority list of projects to be developed to “shovel ready” status however to date a shortlist of projects has not been determined.

To assist Council in giving further consideration to a shortlist of priority projects that could be developed to ‘shovel ready’ status using the funds proposed to be allocated in the 2020/21 Budget, set out below is a list of suggested projects that have either featured in recent Council reports, having been included in the budget wish list at previous Budget Workshops, have been raised by individual councillors or have been subject to representations from the community. The list below is by no means exhaustive and many more projects are on Council’s budget wish list.

- Additional independent living and aged care accommodation in the Shire including Magnolia Lodge - Council has additional land available at Magnolia Lodge earmarked for an expansion of the existing complex of independent living units. However, there are no plans, specifications or development approval in place should a funding opportunity arise.
- Lockhart Caravan Park upgrade and Section 68 Approval – A Masterplan has been adopted by Council.
- Lockhart and The Rock CBD upgrades - Masterplans have been adopted by Council.
- Purchase and redevelopment of the GrainCorp building in Green Street Lockhart to incorporate public toilets, community space.
- Brookong Creek Masterplan – Lockhart Urban Area.
- Development of The Rock Public Watering Place.
- Purchase and redevelopment of the former Seventh Day Adventist Church at The Rock for a community centre.

It is considered unlikely that grant funds could be used for the purchase of private property such as the GrainCorp building in Green Street Lockhart or the former Seventh Day Adventist Church at The Rock and Council would need to use its own funds if it wished to pursue acquisition of either of the properties.

With respect to the purchase and redevelopment of the former Seventh Day Adventist Church at The Rock written representations have recently been received from the Rock Progress Association

accompanied by two support letters. Separate representations have been received from The Rock Playgroup. Copies of the Progress Association's letter dated 29 May 2020 and the Playgroup's letter dated 30 May 2020 are attached.

Integrated Planning and Reporting Reference

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

Legislative Policy and Planning Implications

The legislative deadlines relating to the adoption of the annual operational plan and budget have been extended by one month. It is still a requirement for a draft operational plan and budget to be publicly exhibited for at least 28 days before it is formally adopted by Council.

Budget and Financial Aspects

An amount of \$40,000 has been included in the Draft 2020/21 Budget for 'grant application preparedness' i.e. preparation of concept plans and other project planning activities so as to progress projects to 'shovel ready' status.

The Draft Budget is the subject of a separate report to Council and is required to be placed on public exhibition for a period of not less than 28 days before it can be formally adopted.

Attachments

1. The Rock Progress Association letter dated 29 May 2020.
2. The Rock Playgroup letter dated 30 May 2020.

Recommendation: that Council:

1. Endorse the inclusion of an amount of \$40,000 in the 2020/21 Draft Budget for "project planning/ grant application preparedness", and
2. Determine a shortlist of projects to be developed to "shovel ready" status pending the availability of funding.

Item 13 – Attachment 1: Letter from The Rock Progress Association

29th May 2020

Dear Peter,

I am writing to you following our brief discussion last week regarding the sale of a property on Urana Street, The Rock and the possibility of Lockhart Shire Council purchasing the block for a community multipurpose centre/ work hub space.

Currently the local playgroup utilises this space for their gatherings and I am concerned that this important space will be lost and critical groups such as this will fold and an outlet for younger community members be unavailable.

As you are aware there is limited space available in The Rock to hold meetings, work areas for businesses to access remotely or an area where outreach services can access for space. From playgroup meetings, special interest social groups, health and fitness classes, fundraisers & special events, celebrations, entertainment, youth outreach, local business support and everything in between.

The site has existing infrastructure such as power and sewerage in place. The current building could be renovated for space/rooms or a new facility in time be placed on the site. Its location is central to other facilities within the town.

The Rock is a growing community and such a facility could be an economic draw card for future businesses to access, if council were willing to 'rent' rooms.

I have spoken to a number of members of the community who work from home but would love to have a central hub to hold meetings and complete work from time to time. Currently some are driving to Wagga to access such workspace. One thought expressed by a new town member is

"A central "hub" would enable many wonderful aspects of The Rock township to flourish where current location/building/infrastructure options are limited by the fact that they are already being used for many multiple uses or are not suitable for broad community use for one reason or another. I've previously lived in a community that had a "portable" community centre as the location grew too fast for the council or developers to keep up with services required. While it was a "make do" solution for a few years, it was very well loved and used by so many families and community members for a delightful collection of uses. It enabled community to create the fabric that holds them together and connect with the things they find in common. I have friends to this day that I met at this community centre."

I foresee numerous uses for a community hub within our town. The Rock Progress Association would be willing to support council in whatever way we can, such as monetary support for furnishings etc.

The current price is \$139,000 and the sale is in the hands of John Mooney Real Estate Wagga. There has been a great deal of interest in the site and currently the church is willing to sign at \$135,000 and negotiable.

I look forward to engaging with further with Lockhart Shire Council to see a positive outcome for the local community. Please contact me on email or phone on 0428756223 at any time for further support.

Kind Regards,

Traci Driscoll

Chairperson

The Rock Progress Association



Pointer Remote
278 Burkes Creek Road
The Rock NSW 2655

29th May 2020

To Whom It May Concern,

I am written to pledge my support of The Rock Progress Association's recommendation to purchase the Seventh Day Adventist church in The Rock for business and community use. I see it as an enormous win for the community and will help to nurture and support business and economic growth for the community.

As the owner of a company focused on the distribution of the workforce and an advocate for the social, environmental and economic benefits of remote work, I strongly support the concept of the space providing access for remote workers and employers to 'co-work'.

I am happy to be contacted directly for further information or comment.

Jo Palmer

Founder and Managing Director
Pointer Remote

0481 160 915

Minta Viski

4172 Olympic Highway,
The Rock NSW 2655

rach@mintaviski.com.au
0404 142 017

29 May, 2020

I am writing to pledge my support of the purchase of 78 Urana Street, The Rock for business and community needs. I can see the purchase of a property for these needs would be a huge win for economic growth.

Being in rural Australia I understand very well the importance of community, long-term relationships and collaboration.

I am the director of a full-service graphic design agency, Minta Viski. We've been breathing life into brands for more than 15 years. We've got big clients and small clients and work across multiple sectors from fashion and hospitality to government, professional services and agriculture. I also operate this business from home, on a property at The Rock.

Please feel free to contact me directly for further information regarding my support.

Kind regards,



Rach Viski

Item 13 – Attachment: Letter from The Rock Playgroup



Handwritten initials: *JD*

File No:	C46-005		
Len:	33553		
	INFO REPLY REPORT		
GM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DCCS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rec'd	- 3 JUN 2020		
DEES			
MES			
HR			
TEDO			

The Rock Playgroup
C/o Rebecca White
8 Carson Road
The Rock NSW 2655
0499604620

30th May 2020

Dear Mr Peter Veneris
Lockhart Shire Council General Manager

I am writing on behalf of The Rock District Playgroup Committee in regards to the sale of the former Seventh Day Adventist Church and grounds located on the corner of Urana and Mixner Street, The Rock.

Our playgroup currently meets at this location Friday mornings from 9:30am and is for children aged 0-5years and their parents, grandparents and carers. We are able to provide the young children with a safe and child friendly space which allows the parents/carers an opportunity to enjoy a cup of tea and connect with their community in a relaxing, yet fun space.

We have been at the former Seventh Day Adventist Church grounds since 2018 when we needed to vacate The Rock Preschool due to the preschool increasing their weekly servicing capacity to 5 days. There are limited locations in our area that meet the needs of our group. The church grounds are ideal due to having a fully enclosed fence, toilet facilities, ample space for outdoor play and a hall allowing us to store our equipment and provide a wet weather option. It also has functional space for tea/coffee and clean up.



The Rock Playgroup
C/o Rebecca White
8 Carson Road
The Rock NSW 2655
0499604620

The Rock District Playgroup has been operating under NSW Playgroup since 1983, with many generations of local families being members. We currently have 10 families attending and regularly have casual drop ins and new families wishing to join. Many of our members have been with us for several years and we've seen multiple children attending from birth up to attending primary school.

Our playgroup is a vital part of The Rock community. Providing parents and carers a welcoming place to connect and allowing their children to play, socialise and make life long connections with their peers is the centre of playgroups purpose. If the Lockhart Shire Council were to purchase this property for the purpose of a community hall centre our playgroup could remain in this location and continue meeting the needs of young local families.

We appreciate your consideration and look forward to your continuing support of The Rock District Playgroup.

Sincerely,

Rebecca White
Coordinator- The Rock District Playgroup
On behalf of The Rock District Playgroup Committee and it's members

STRATEGIC DIRECTION E: Strong Leadership and Governance

14. INVESTMENT AND BANK BALANCES REPORT – MAY 2020

(DCCS/F10-010)

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) Regulations 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		1,060,571.00
Add: Total Receipts		
	Rates	433,025.98
	Debtors	25,870.00
	Miscellaneous	61,383.16
	Interest	24,952.63
	Redeemed Investment	-
	BAS Refund	120,680.00
	The Rock Playground Playspace	25,000.00
	Fixing Country Roads C6	95,976.60
	Lockhart STP Scoping Study	38,569.88
	Upgrade Urana Lockhart road MR59	822,358.00
	4th Qtr FAG	445,883.00
	Advance 20/21 FAG Payment	1,890,769.00
	FM - 0038	124,330.41
	RMS - HVSP Grant	400,000.00
	Roads to Recovery Grant	355,004.00
	RFS Reimbursement	36,203.46
	Sale of Plant	54,833.56
		4,954,839.68
Less: Total Payments		3,325,154.16
	New Investments	0.00
	1490-3015-0001	0.00
Closing Combined Cashbook Balance		2,690,256.52
Closing Bank Statement Balance		
	Bendigo Bank	2,145,925.83
	Macquarie Bank	404,093.42
	Bendigo Bank-Prichard Trust	31,678.40
		2,581,697.65
Add: Outstanding Deposits		108,755.87
		2,690,453.52
Less: Outstanding Cheques		197.00
Closing Combined Cashbook Balance		2,690,256.52

Investments:	Interest Rate per Annum	Amount Invested	% of Total
AMP RIM	1.40	250,000.00	4.81
AMP RIM	1.30	500,000.00	9.62
AMP/RIM	1.75	500,000.00	9.62
Bendgio	at Call	50,000.00	0.96
Bendigo	1.20	400,000.00	7.69
BENDIGO	0.85	500,000.00	9.62
bendigo	at call	50,000.00	0.96
CBT	1.43	500,000.00	9.62
CBT	0.61	500,000.00	9.62
CBT	0.62	250,000.00	4.81
NAB	1.07	500,000.00	9.62
NAB	0.95	500,000.00	9.62
NAB	0.95	500,000.00	9.62
T Corp	at call	200,000.00	3.85
		5,200,000.00	100.00

General Ledger Balances as at Month End

FUND	AMOUNT
General (PTD)	1490-3000-0000 2,439,106.08
Combined Sewerage	8490-3000-0000 219,472.04
Trust Fund	9991-3000-0000 31,678.40
	2,690,256.52
	2,690,256.52

TOTAL FUNDS HELD ARE: 7,890,256.52

Integrated Planning and Reporting Reference

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

Legislative Policy and Planning Implications

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

Budget and Financial Aspects

Council's 2019/20 Operational Budget has forecast a total of \$165,000 income from interest on investments, being split between General Fund of \$145,000 and Sewer Fund of \$20,000. For the period of July 2019 to May 2020, the average end of month balance of funds invested has been \$5.67 million and the average return on invested funds has been 1.66%. Council's budgeted income on investments was adjusted down to a total of \$135,000 for the December 2019 Quarterly budget review. Further review was undertaken at the third Quarterly Budget Review and adjusted down to \$92,000.

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) Regulations 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 May 2020 Investment and Bank Balances Report be received and noted.
- b) That the Responsible Accounting Officer Statement be noted, and the report be adopted.

15. QUARTERLY BUDGET REVIEW – JANUARY TO MARCH 2020

(DCCS/F10-010)

Executive Summary

In accordance with the Local Government Act 1993, a review of Council's Budget position as at 31 March 2020 has been undertaken and will be provided under separate cover prior to Council's May 2020 meeting for Councillors consideration.

Report

General Fund

When Council adopted the 2019-2020 Operational Plan Budget in June 2019 Council budgeted for a deficit of **\$17,783.00**. The Budget Review at 31 March 2020 indicated an estimated SURPLUS of \$32,517.00 as at 30 June 2020 after taking into account movements in revenue and expenditure for the quarter.

The March 2020 Quarterly Budget Review Statement details have been provided under separate cover (emailed on Friday 21 May 2020). Some of the more significant variations are summarised below.

Salaries – There have been some one-off savings in the below salaries general ledger accounts, partly as a result of periods where position(s) have been vacant. The total savings of \$70,000 have been transferred to reserves, page 17.

- 1020-2000-0000 page3, \$19,000
- 1060-2000-0000 page 5, \$16,000
- 2020-2000-0000 page 7, \$25,000
- 2100-2000-0000 page 8, \$10,000

Audit Fees – External p4, additional work resulting from the change of timing to the audit program (extension to due date sought by Council) and additional testing required regarding asset management system queries (BizeAssets).

Recruitment Expenses p4, year to date (YTD) expenditure at \$19,600 due to increased staff turnover in recent months with MES position still to recruit and re-advertising of the Assets/Mapping Officer position.

Interest On Investment p5, with continued lower than forecast funds available to invest and mainly with record low interest rates, budget forecast has been significantly downgraded.

Plant Running Expenses p5, while earlier in this financial year (FY) Plant Running Expenses were tracking higher than budget forecast, the Workshop Supervisor has since maintained costs and with minimal major repair costs this budget can be now reduced. Council has also achieved savings of approx. \$23,000 with many plant items moving to conditional registration.

Environmental Services – LSPS & LEP Review p7, there was a saving achieved with the Local Strategic Planning Statement presented at the May meeting as this was done internally. The Local Environmental Plan is now to be reviewed in 2020-21 FY and will be included in the 2020-21 Budget.

Environmental Services – Consultants p7, with the departure of the current MES there will be a period which we will require temporary coverage of MES planning duties.

Magnolia Lodge – Repairs & Maintenance p9, the increase includes \$13,000 as per resolution 45/20 for footpaths. The additional \$8,000 is over budget expenditure for renovations not covered by the insurance claim. The opportunity to renovate bathroom/laundry with builders onsite was cost effective and timely. This over budget expenditure has been covered by reallocating other unused Building R&M budgets to Magnolia Lodge i.e. \$4,000 from Youth Flats R&M p9 and Offices & Leases R&M p14 \$4,000.

Library Funding p10, library funding had a significant boost state-wide. For Lockhart it resulted in achieving extra funding of approximately \$38,742 more than adopted budget. However, as Lockhart does not have a static library Council was required to increase its annual contribution to Riverina Regional Library service by \$15,728 resulting in a decrease of \$23,014 to the net cost of library services.

Roads Budget Re-Allocation, Unsealed Rural Roads p16 budget allocation has been reduced by \$370K, with \$250K reallocated to Rural Rds Unsealed R&M p13, \$50K to Urban Sealed Roads p16 and \$70K to The Rock Playground Project p16. The over budget expenditure on the new playground was largely due to an increase in the scope of works resulting from community consultation as well as design issues that needed to be addressed.

Environmental Services – Flood Mitigation Construction Stage 2 Lockhart p16, with a number of issues resulting in approved contract variations additional funding of \$250K required to be funded from Infrastructure Development Reserve p17.

Pedestrian Access & Mobility Plan p12 & **Footpath Construction/Bus Shelters** p16, have both been adjusted. Council had withdrawn from part of the Active Transport Program for 2019-20 FY, reducing the program to footpath construction of \$18K and bus shelter at Yerong Creek school with a budget of \$20K for an adjusted total of \$38K. This has generated a budget saving of \$77K which combined with salaries budget savings has enabled a transfer of \$130K to the Future Infrastructure Reserve.

Caravan Park – Rent p13, takings for the caravan park were downgraded as a result of the Public Health Order that required caravan parks to close. Year to date in the first week of June are at \$74,760.00.

Street Lighting p13, savings in street lighting are a result of a new street lighting contract REROCC negotiated for member Councils.

Most other changes are as a result of variations to year to date amounts for those general ledger accounts that are tracking differently to budget forecast.

Sewerage Fund

When Council adopted the 2019-2020 Operational Plan Budget in June 2019 Council budgeted for a surplus of \$4,216.00 for the Sewer fund operations, which remains on target.

Integrated Planning and Reporting Reference

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

- Plan for the long-term sustainability of the Shire.

Legislative Policy & Planning Implications

As per Integrated Planning and Reporting Guidelines.

Budget & Financial Aspects

Fund	Original Estimates - 1 July 2019	Amendments to 30 Sept 2019	Amendments to 31 Dec 2019	Amendments to 31 Mar 2020	Revised Estimates - 30 June 2020
General Fund-Net of Inc & Exp and Capital Budget	-\$17,783.00	\$75,779.00	-\$42,569.00	\$17,090.00	\$32,517.00
Sewerage Fund	\$4,216.00	-\$5,000.00	\$4,925.00	\$600.00	\$4,741.00
Net Consolidated Budget Surplus/(Deficit)	-\$13,567.00	\$70,779.00	-\$37,644.00	\$17,690.00	\$37,258.00

Attachments

Quarterly Budget Review Statement for the period 1 January 2020 to 31 March 2020 has been provided under separate cover.

Recommendation: that:

1. The information be noted, and
2. The adjustments in income, expenditure and reserves in the March 2020 Quarterly Budget Review be adopted.

16. DRAFT 2017/21 DELIVERY PLAN AND 2020/21 OPERATIONAL PLAN AND BUDGET (GM/I13-005)

Executive Summary

A Draft 2017-2021 Delivery Plan and 2020-2021 Operational Plan and Budget is tabled for Council's consideration and endorsement for public exhibition.

Report

A modified timeframe for the adoption of the 2017-2021 Delivery Plan and 2020-2021 Operational Plan and Budget was adopted by Council at the last meeting after regulations were made by the Government under section 747B modifying the Act to provide councils with a one-month extension.

In accordance with that timeframe the Draft 2017-2021 Delivery Plan and 2020-2021 Operational Plan and Budget is tabled for consideration and endorsement by Council for public exhibition. Subject to Council's endorsement it is proposed to publicly exhibit the draft documents for a period of not less than 28 days before tabling them again, together with any submissions received, at the July Council meeting for adoption.

The following table provides a summary of General Fund expenditure for 2020-2021.

Total Operating Expenditure (excl. Depreciation)	5,957,116
Total Depreciation	3,141,400
Total Capital Expenditure	6,443,534
Total Expenditure	15,542,050

The Draft 2020-2021 Budget estimates for the General Fund provide for a budget with a surplus of \$13,624.00. Some key features of the Draft Budget are outlined below.

One-off increase in subsidies to section 355 committees – It has previously been reported that the financial impacts of the COVID-19 pandemic have been limited, with many of the facilities forced to be closed by the Public Health Orders being managed by volunteer-based management committees and not directly by Council. However, this has denied the section 355 committees with valuable fundraising opportunities and a one-off increase of 40% (\$27,560) has been incorporated in the Draft Budget.

Emergency Services Levy (ESL) rebate from the NSW Government – The increase in the ESL is approximately \$88,000. The Draft Budget also includes the rebate from the NSW Government bearing in mind that the Government has promised to cover the cost of the ESL increase as part of its COVID-19 Local Government stimulus package. It should be noted however that the rebate is conditional on Council remaining in a Joint Organisation for at least the next two years. This matter is the subject of a separate report.

Drainage repairs and maintenance – Council does not currently have a program for the maintenance of table drains on roadsides. An allocation of \$20,000 for drainage repairs and maintenance has been included in the Draft Budget for the first time so that Council can implement a program and respond to issues that are regularly raised e.g. Emily Street, The Rock

Rate Peg – The rate peg, as it is commonly known, is the maximum percentage amount by which a council may increase its general rate income for the year. The rate peg applies to general rate income in total, and not to individual ratepayers' rates. The rate peg does not apply to sewerage charges or waste management charges.

Until recently Section 511 of the Act provided that if a council does not apply the full amount of the rate peg in a given year, the council may make rates and charges for either or both of the next two years after the year for which the shortfall occurred so as to catch-up or recover the shortfall. If a council does not set its rates in the subsequent two years so as to catch-up the shortfall, the opportunity to recover the rate income that has been foregone is lost.

On 19 May 2020 the Office of Local Government (OLG) advised that the Act has been amended to make a number of changes to support councils and ratepayers during the COVID-19 pandemic as part of the COVID-19 Legislative Amendment (Emergency Measures-Miscellaneous) Act No.2. These changes enable a council that does not apply the full percentage increase of the rate peg this year, or in any future year, to set rates in any one or more of the next 10 years (instead of 2 years) to return it to the original rating trajectory.

The rate peg for the 2020-2021 rating year has been set at 2.6%. The Draft Budget has been prepared on the basis of a 2.6% increase in Council's general rate income in accordance with the rate peg. It is noted however, that a workshop is proposed to be held prior to the Council meeting where other options may be canvassed.

Interest on overdue rates and recovery of outstanding rates – OLG has advised that the maximum amount of interest that can be charged on overdue rates during the period 1 July to 31 December 2020 is 0.00%. The maximum amount of interest that can be charged on overdue rates during the period 1 January to 30 June 2021 is 7.00%.

As part of the COVID-19 Legislative Amendment (Emergency Measures-Miscellaneous) Act No.2 referred to above the Government has also introduced changes preventing councils from commencing legal action to recover rates and charges for six months unless the following specific matters have been considered:

- whether the payment of the rate or charge could be made in instalments or by way of some other financial arrangement,
- whether the person should be referred to a financial counsellor,
- whether mediation or alternative dispute resolution should be attempted first; and
- whether interest on the unpaid amount should be deferred or waived.

Fees & Charges – majority of fees and charges have been left unchanged from 2019-2020. Waste management service charges have increased no more than 1.1%. With Council able to move to a three bin service, FOGO, general waste and recycling, at no additional charges to rate payers, due mainly to a new contract, Council is able to pass on some saving for any additional bin services, reduced from \$200 to \$135 per additional service.

Sewer charges increases have been restricted to under 1%.

However, Cemetery fees and charges have all been increased by 10%. Council benchmarked its cemetery fees and charges against a number of other Councils in the Riverina. Council is not aiming to produce a profit from cemetery fees, the aim is to break even. The current fees and charges are well below cost recovery levels.

Sewer Fund Report

The following table provides a summary of Sewer Fund expenditure for 2020-2021.

Total Operating Expenditure (excl. Depreciation)	380,200
Total Depreciation	180,000
Total Capital Expenditure	75,000
Total Expenditure	635,200

The Draft 2020-2021 Budget estimates for the Sewer Fund provide for a budget with a surplus of \$5,575.00.

Integrated Planning and Reporting Reference

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

Legislative Policy and Planning Implications

The legislative deadlines relating to the adoption of the annual operational plan and budget have been extended by one month. It is still a requirement for a draft operational plan and budget to be publicly exhibited for at least 28 days before it is formally adopted by Council.

Budget and Financial Aspects

The Draft Budget and Operational Plan will be prepared by Council officers within existing resources.

Attachments (under separate cover)

1. Draft Delivery Program 2017-2021
2. Draft Operational Plan 2020-2021 incorporating the Budget Estimates and Revenue Policy
3. Proposed Fees and Charges for 2020-2021

Recommendation: that:

- a) Council adopt for the purpose of public exhibition the Draft Delivery Program 2017-2021 and the Draft Operational Plan 2020-2021 incorporating the Budget Estimates, Revenue Policy and Fees and Charges; and
- b) Following the 28-day public exhibition period, Council further consider the Draft documents at its 20 July 2020 meeting, in conjunction with any public comments or submissions received, for the purpose of adoption prior to 31 July 2020.

17. REDISTRIBUTION OF ELECTORAL DISTRICTS

(GM/E15-025)

Executive Summary

The 93 electoral districts in New South Wales are being reviewed, and the boundaries redrawn if necessary, to ensure equal numbers of voters in each district.

Report

The NSW Electoral Commission has advised that the 93 electoral districts in New South Wales are 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.

The redistribution process is being administered by an independent three-member Electoral Districts Redistribution Panel made up of the Chairperson, the Honourable Justice Arthur Emmett AO QC; the Electoral Commissioner for NSW, Mr John Schmidt; and the Surveyor-General of NSW, Mrs Narelle Underwood.

Redistribution is considered integral to the democratic system in New South Wales in order to maintain the principle of one vote, one value. The process aims to ensure an equal number of voters (within a margin of 10%) in all electoral districts.

The Electoral Districts Redistribution Panel is now inviting written suggestions on changes to the existing electoral district boundaries. An opportunity will subsequently be provided to comment on the suggestions that have been made. Key dates for the redistribution process are set out below.

- Monday, 1 June 2020 – Suggestion period opens
- Wednesday, 1 July 2020 – Suggestion period closes
- Thursday, 2 July 2020 – Comments period opens
- Wednesday, 15 July 2020 – Comments period closes

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 be 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

Nil.

Recommendation: That the information be noted.

18. POLICY DEVELOPMENT AND REVIEW

(GM/C70-025)

Executive Summary

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

Report

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

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

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

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

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

- a) Policy 1.5 Privacy Plan and Privacy Code of Practice.
- b) Policy 1.18 Public Interests Disclosures and Reporting.
- c) Policy 1.20 Related Party Disclosures

Copies of the above Policies are attached.

No changes are proposed to Policy 1.18 Public Interests Disclosures and Reporting and Policy 1.20 Related Party Disclosures.

With respect to Policy 1.5 Privacy Plan and Privacy Code of Practice, Council has formally adopted the Model Privacy Management Plan for Local Government released by the Division of Local Government in 2013 and the Privacy Code of Practice for Local Government developed by the Information and Privacy Commission (IPC) and gazetted in July 2000.

Whilst the Model Privacy Management Plan for Local Government (2013) remains current, the Privacy Code of Practice for Local Government (2000) was reviewed by the IPC and a revised Code was gazetted in December 2019.

A Privacy Code of Practice is a legal instrument which allows a public sector agency or organisation to make changes to:

- an Information Protection Principle (IPP); or
- provisions that deal with public registers; or
- specifically how that rule will apply in a particular situation.

For instance, the Privacy Code of Practice outlines the circumstances in which Council is not required to comply with an Information Protection Principle or instances in which Council may depart from an Information Protection Principle.

Accordingly, Policy 1.5 Privacy Plan and Privacy Code of Practice has been updated to refer to the most recent Privacy Code of Practice for Local Government developed by the IPC and published in the Government Gazette.

Integrated Planning and Reporting Reference

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

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

Legislative Policy & Planning Implications

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

Codes and policies mandated by legislation e.g. Code of Conduct, and Provision of Facilities to the Mayor and Councillors etc. are incorporated into the Policy Manual along with all other Council policies.

Budget & Financial Aspects

Nil.

Attachments

Policy 1.5 Privacy Plan and Privacy Code of Practice.

Policy 1.18 Public Interests Disclosures and Reporting.

Policy 1.20 Related Party Disclosures

Recommendation: that the following Policies, as presented, be adopted:

- a) Policy 1.5 Privacy Plan and Privacy Code of Practice.
- b) Policy 1.18 Public Interests Disclosures and Reporting.
- c) Policy 1.20 Related Party Disclosures

Item 18 – Attachment: Policy 1.5 Privacy Management Plan

1.5 Privacy Management Plan

POLICY TITLE: PRIVACY PLAN

FILE REF: P52-005

REVIEW DATE: JUNE 2023

OBJECTIVES

- a) To comply with Section 33 of the Privacy and Personal Information Protection Act 1998, which requires all Councils to prepare a Privacy Management Plan, and
- b) To enable the Council to fulfill its statutory functions and responsibilities under the Local Government Act 1993 in a manner that seeks to comply with the Privacy and Personal Information Protection Act 1998 (PPIPA).

POLICY STATEMENT

That the Model Privacy Management Plan for Local Government – January 2013, and The Privacy Code of Practice for Local Government – December 2019 are adopted for purposes of Council operations.

*Adopted by Council 15 June 2020
Refer Minute No. xxx/20*

*Adopted by Council 19 June 2017
Refer Minute No. 146/17*

*Confirmed by Council 17 August 2009
Refer Minute No. 283/09*

*Adopted by Council – 15 April 2002
Refer Minute No. 23077*

Item 18 – Attachment: Policy 1.18 Public Interest Disclosures and Reporting System

1.18 Public Interest Disclosures and Reporting System

POLICY TITLE: PUBLIC INTEREST DISCLOSURES & REPORTING SYSTEM

FILE REF: O15-005

REVIEW DATE: JUNE 2023

OBJECTIVES

To offer a clear procedure for Councillors and staff of Lockhart Shire Council to follow so that corrupt conduct, and maladministration, serious and substantial waste of public money and government information contravened can be revealed, investigated and dealt with by appropriate corrective action.

POLICY STATEMENT

Councillors, management and staff share a responsibility to seek ways of continually improving Council's effectiveness and they are the best source of information on how this can be done. The absence of corruption, maladministration, serious and substantial waste and government information contravention will contribute to Council's goals being successfully met. Staff who come forward and report wrongdoing are helping to promote integrity, accountability and good management within Council.

However, there may be reasons why Councillors and staff feel reluctant to report their knowledge of such elements. Fear of reprisals can play a large part in someone keeping valuable information to themselves. Another reason may be that they are unsure of where and how to report the information. Or they may believe that nothing will be done with the information and no improvements or action will be taken.

Whilst the Public Interest Disclosures Act 1994 provides protection for those who make disclosures, the disclosures must be made in the proper way or else the Act will not apply. An effective Internal Reporting System will ensure all disclosures are protected by the Protected Disclosure Act and that there is a clear and documented system for reporting and acting on disclosures.

The Mayor and General Manager encourage staff to report known or suspected incidences of corrupt conduct, maladministration, waste or information contravention in accordance with established reporting systems and Council's Code of Conduct. An effective reporting system reduces staff fears and encourages reporting of disclosures. Staff making disclosures must have confidence in the system. They need to know that the report is being handled confidentially and in accordance with established systems and procedures.

Council will take all reasonable steps to provide protection to staff that make such disclosures from any detrimental action in reprisal for the making of the disclosure and Councillors and staff are encouraged to report known and suspected wrongdoing within our council.

The Internal Reporting system has the following aims: to provide the protections of the Public, to encourage employees to provide useful information to management, and to ensure the information received is used to enhance the efficiency and effectiveness of operation by correcting any identified problems.

This policy will apply to:

- Both council staff and Councillors
- Permanent employees, whether full-time or part-time
- Temporary or casual employees
- Consultants
- Individual contractors working for council

1.0 OBJECT OF THE ACT

The Public Interest Disclosures Act 1994 (PIDA) sets out the arrangements under which people working within the NSW public sector can make complaints about the functioning of the public sector in a way that minimises the risk of reprisal. The purpose of the Act is to ensure that public officials who wish to make disclosures under the legislation receive protection from reprisals and that the matters raised in the disclosures are properly investigated.

This is page 60 of the Business Paper of the Ordinary Monthly Meeting of the Lockhart Shire Council held in the Council Chambers, Green Street, Lockhart – 15 June 2020.

The Act aims to encourage and facilitate the disclosure – in the public interest – of corrupt conduct, maladministration, serious and substantial waste and government information contravention in local government. This is achieved by:

- enhancing and augmenting established procedures for making disclosures concerning such matters;
- protecting persons from reprisals that might otherwise be inflicted on them because of these disclosures; and
- providing for those disclosures to be properly investigated and dealt with.

2.0 DEFINITIONS

Reports about the four categories of serious wrongdoing – ‘*corrupt conduct*’, ‘*maladministration*’, ‘*serious and substantial waste in local government*’ and ‘*government information contravention*’ – will be dealt with under the PID Act as protected disclosures and according to this policy. Definitions of these concepts are outlined below.

2.1 Corrupt Conduct

‘*Corrupt conduct*’ is defined in the Independent Commission Against Corruption Act (s.8). The definition used in the Act is intentionally quite broad – corrupt conduct is defined to include the dishonest or partial exercise of official functions by a public official. Conduct of a person who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official, also comes within the definition.

Corrupt conduct can take many forms, i.e.:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a member of the public influencing or trying to influence a public official to use their position in a way that is dishonest, biased or breaches public trust.

2.2 Maladministration

‘*Maladministration*’ is defined in the PID Act as conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant someone a licence for reasons that are not related to the merits of their application.

2.3 Serious and substantial waste in local government

Serious and Substantial waste is the uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which could result in a loss/wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of council.

For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

2.4 Government information Contravention

A ‘*government information contravention*’ is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009 (GIPA Act)*.

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

2.5 Other wrongdoing

Although reports about the previous four categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination

- reprisal action against a person who has reported a wrongdoing
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, in line with Lockhart Shire Council's policies:

- Bullying and Harassment
- Work Health and Safety
- Equal Employment Opportunity

Even if these reports are not dealt with as protected disclosures, Lockhart Shire Council will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

3.0 WHEN WILL A REPORT BE PROTECTED?

Lockhart Shire Council will support any staff who report wrongdoing. For a report to be considered a protected disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- The report has to be made to one or more of the following:
 - a position nominated in this policy – see section 7 (b), (c) & (d) below
 - the general manager
 - one of the investigating authorities nominated in the PID Act – see section 10 below

Reports by staff and councillors will not be considered to be protected disclosures if they:

- mostly question the merits of government policy, including the policy of the governing body of council
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

4.0 HOW TO MAKE A REPORT

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The staff member should keep a copy of this record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

5.0 CAN A REPORT BE ANONYMOUS?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Lockhart Shire Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

6.0 MAINTAINING CONFIDENTIALITY

Lockhart Shire Council realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

We are committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However, there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under council's code of conduct, as this may mean certain information will have to be tabled at a council meeting.

If you report wrongdoing, you should only discuss your report with those dealing with it. This will include the disclosures coordinator and the general manager. If you discuss your report more broadly, you may affect the outcome of any investigation.

7.0 WHO CAN RECEIVE A REPORT WITHIN LOCKHART SHIRE COUNCIL?

You are encouraged to report general wrongdoing to your supervisor. However, the PID Act requires that – for a report to be a protected disclosure – it must be made to a public official in accordance with the council's disclosure procedures. For Lockhart Shire Council, this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a protected disclosure must refer the staff member making the report to one of the positions listed below.

If you are council staff and your report involves a councillor, you should make it to the general manager or the Mayor. If you are a councillor and your report is about another councillor, you should make it to the general manager or the Mayor.

The following positions are the only staff within Lockhart Shire Council who can receive a protected disclosure.

a. General Manager

You can report directly to the General Manager. The General Manager is responsible for:

- Deciding if a report is a protected disclosure
- Determining what needs to be done next, including referring it to other authorities
- Deciding what needs to be done to correct the problem that has been identified.

The general manager must make sure there are systems in place in Lockhart Shire Council to support and protect staff who report wrongdoing.

They are also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

General Manager – Peter Veneris – 0408 965 567 or 02 6920 5305

b. Mayor

If you are making a report about the general manager, you should make your report to the Mayor. He/she is responsible for:

- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The Mayor must make sure there are systems in place in Lockhart Shire Council to support and protect staff who report wrongdoing.

If the report is about the general manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

Mayor – Cr Rodger Schirmer – 0428 695 993 or 02 6920 5185

8.0 WHO CAN RECEIVE A REPORT OUTSIDE OF LOCKHART SHIRE COUNCIL?

Staff are encouraged to report wrongdoing within Lockhart Shire Council, but internal reporting is not your only option. If you follow the guidance below, your report can still be a protected disclosure.

You can choose to make your report to an investigating authority. You can do this first, or at any stage after your initial report to Lockhart Shire Council. If your report is about the general manager or the Mayor, you should consider making it to an investigating authority.

You can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances.

a. Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the Ombudsman — for maladministration
- the Office of Local Government — for serious and substantial waste in local government (reports about serious and substantial waste in State government agencies should be made to the Auditor General)
- the Information Commissioner — for disclosures about a government information contravention.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is very likely the investigating authority will discuss the case with Lockhart Shire Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

a. Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the general manager
- a person nominated in this policy
- an investigating authority in accordance with the PID Act.

Also, Lockhart Shire Council or the investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or Lockhart Shire Council's code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside Lockhart Shire Council contact the disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

9.0 FEEDBACK TO STAFF WHO REPORT WRONGDOING

Staff who report wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- a copy of Council's Policy on Public Interest Disclosures and Reporting Systems within 45 days of the person making the disclosure
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

This information will be given to you within two working days from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within Lockhart Shire Council to handle any concerns you may have
- information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report.

During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

10.0 PROTECTION AGAINST REPRISALS

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the protected disclosure.

Lockhart Shire Council will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

a. Responding to reprisals

Lockhart Shire Council will act to protect staff who report wrongdoing from reprisals.

When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the disclosures coordinator or the general manager immediately.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the disclosures coordinator or the general manager.

If the disclosures coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:

- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
- give the results of that investigation to the general manager for a decision
- give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the general manager
- if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure

- take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The general manager may issue specific directions to help protect against reprisals. If the allegation of reprisal action is about the general manager, the Mayor may issue similar directions. These may include:

- issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure
- relocating the member of staff who made the disclosure or the subject officer within the current workplace
- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified
- granting the member of staff who made the disclosure, or the subject officer leave of absence during the investigation of the disclosure.

These directions will only be taken if the member of staff who made the disclosure agrees to it. The disclosures coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman or the ICAC – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

b. Protection against legal action

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

11.0 SUPPORT FOR THOSE REPORTING WRONGDOINGS

Lockhart Shire Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a protected disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice, including Council's EAP provider Insight Services.

We also have staff who will support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal.

Human Resources Officer – 02 6920 5305

All supervisors must notify the General Manager if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

12.0 SANCTIONS FOR MAKING FALSE OR MISLEADING DISCLOSURES

It is important that all staff are aware that it is a criminal offence under the PID Act to willfully make a false or misleading statement when reporting wrongdoing.

13.0 SUPPORT FOR THE SUBJECT OF A REPORT

Lockhart Shire Council is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- treated fairly and impartially
- told your rights and obligations under our policies and procedures
- kept informed during any investigation
- given the opportunity to respond to any allegation made against you
- told the result of any investigation.

14.0 MORE INFORMATION

Staff can access advice and guidance from Lockhart Shire Council's General Manager and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

15.0 RESOURCES

The contact details for external investigating authorities that staff can make a protected disclosure to or seek advice from are listed below.

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)

Phone: 02 8281 5999

Toll free: 1800 463 909

Tel. typewriter (TTY): 02 8281 5773

Facsimile: 02 9264 5364

Email: icac@icac.nsw.gov.au

Web: www.icac.nsw.gov.au

Address: Level 7, 255 Elizabeth Street,
Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman

Phone: 02 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Email: nswombo@ombo.nsw.gov.au

Web: www.ombo.nsw.gov.au

Address: Level 24, 580 George Street,
Sydney NSW 2000

For disclosures about serious and substantial waste in local government agencies:

Office of Local Government

Phone: 02 4428 4100

Tel. typewriter (TTY): 02 4428 4209

Email: olg@olg.nsw.gov.au

Web: www.olg.nsw.gov.au

Address: 5 O'Keefe Avenue,
Nowra, NSW 2541

For disclosures about breaches of the GIPA Act:

Information and Privacy Commission

Toll free: 1800 972 679

Email: ipcinfo@ipc.nsw.gov.au

Web: www.ipc.nsw.gov.au

Address: Level 17, 201 Elizabeth Street,
Sydney NSW 2000

Adopted by Council – 15 June 2020

Refer Minute No. xxx/20

Revised by General Manager in May 2017 under delegated authority

Amendments Adopted by Council – 18 November 2013

Refer Minute No. 355/13

Amendment Adopted by Council - 15 December 2011

Refer Minute No. 420/11

Adopted by Council – 19 September 2011

Refer Minute No. 311/11

Item 18 – Attachment: Policy 1.20 Related Party Disclosures

1.20 Related Party Disclosures

POLICY TITLE: RELATED PARTY DISCLOSURES

FILE REF: C70-025

EXPIRY DATE: JUNE 2023

1. OBJECTIVES

From 1 July 2016, Council is required to disclose Related Party Relationships and Key Management Personnel (KMP) compensation in its Annual Financial Statements.

The purpose of this Policy is to define the parameters for Related Party Relationships and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124 - Related Party Disclosures.

2. DEFINITIONS

"Act": means the Local Government Act 1993.

"AASB 124": means the Australian Accounting Standards Board, Related Party Disclosures Standard.

"Close family members" of a person": are those family members who may be expected to influence, or be influenced by, that person in their dealings with the Council and include:

- a) that person's children and spouse or domestic partner;
- b) children of that person's spouse or domestic partner; and
- c) dependents of that person or that person's spouse or domestic partner.

Refer also Section 11 Procedures.

"Entity": can include a body corporate, a partnership or a trust, incorporated association, or unincorporated group or body.

"Key Management Personnel (KMP)": as defined in Section 5 of this Policy.

"KMP Compensation": means all forms of consideration paid, payable, or provided in exchange for services provided, and may include:

- Short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees;
- Post-employment benefits such as pensions, other retirement benefits, postemployment life insurance and post-employment medical care;
- Other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation; and
- Termination benefits.

"Material": (materiality) means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis an entity's financial statements. For the purpose of this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

"Ordinary Citizen Transaction": means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.

"Possible (Possibly) Close Family Members" of a person": are those family members who could be expected to influence, or be influenced by, that person in their dealings with the Council and include:

This is page 68 of the Business Paper of the Ordinary Monthly Meeting of the Lockhart Shire Council held in the Council Chambers, Green Street, Lockhart – 15 June 2020.

- a) that person's brothers' and sisters';
- b) aunts, uncles, and cousins of that person's spouse or domestic partner;
- c) dependents of those persons' or that person's spouse or domestic partner as stated in (b); and
- d) that person's or that person's spouse or domestic partners', parents' and grandparents.

Refer also Section 11 Procedures.

"Related Party": defined in Section 6 of this Policy.

"Related Party Transaction": is a transfer of resources, services or obligations between Council and a related party, regardless of whether a price is charged.

"Regulation": means the Local Government (General) Regulation 2005

"Significant": (significance) means likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/ taxpayer relationship.

"Remuneration": means remuneration package and includes any money, consideration or benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a related party transaction.

3. RELATED LEGISLATION AND DOCUMENTS

- Australian Accounting Standard AASB124 related party disclosures (AASB124)
- Australian Accounting Standard AASB10 consolidated financial statements (AASB10)
- Local Government Act 1993
- Local Government (General) Regulation 2005
- Council Code of Conduct Policy.

4. POLICY STATEMENT

Council is committed to responsible corporate governance, including compliance with laws and regulations governing related party transactions.

Related Party relationships are a normal feature of commerce and business. For example, entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.

A Related Party relationship could influence the normal business operations of Council even if Related Party Transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the Council with other parties. Alternatively, one party may refrain from trading with Council because of the significant influence of another—for example, a local supplier may be instructed by its parent not to engage in supplying goods to Council.

For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with Related Parties) may affect assessments of Council's operations.

AASB 124 provides that Council must disclose all material and significant Related Party Transactions and outstanding balances, including commitments, in its Annual Financial Statements. Generally, disclosure will only be made where a transaction has occurred between Council and a related party of Council. In addition the transaction must be material in nature or size, when considered individually or collectively.

When assessing whether such transactions are significant the following factors will be taken into consideration:

- significance in terms of size;
- was it carried out on non-market terms;
- is it outside normal day-to-day council operations;
- was it subject to council approval;

- did it provide a financial benefit not available to the general public;
- was the transaction likely to influence decisions of users of the Annual Financial Statements.

Regard must also be given for transactions that are collectively, but not individually significant.

To enable Council to comply with AASB 124 Council's KMP, as defined in Section 5 of this Policy, are required to declare details of any Related Parties and Related Party Transactions. Such information will be retained and reported, where necessary, in Council's Annual Financial Statements.

5. KEY MANAGEMENT PERSONNEL (KMP)

AASB 124 defines KMP's as "those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly".

For Council's purposes and the purposes of this Policy KMP's are considered to include:

- a) Mayor;
- b) Councillors;
- c) General Manager;
- d) Director Engineering and Environmental Services
- e) Director Corporate and Community Services
- f) Manager Environmental Services.

6. IDENTIFICATION OF RELATED PARTIES

A related party is a person or entity that is related to the entity that is preparing its financial statements.

For Council's purposes and the purposes of this Policy, related parties of Council are:

- a) Entities related to Council;
- b) Key Management Personnel (KMP) of Council
- c) Close family members of KMP;
- d) Possible close family members of KMP's; and
- e) Entities or persons that are controlled or jointly controlled by KMP, or their close family members, or their possible close family members.

Also a person or entity is a related party of Council if any of the following apply:

- they are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others);
- they are an associate or belong to a joint venture of which Council is part of;
- they and Council are joint ventures of the same third party;
- they are part of a joint venture of a third party and council is an associate of the third party;
- they are a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council;
- they are controlled or jointly controlled by Close members of the family of a person;
- they are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council; or
- they or any member of a group of which they are a part, provide KMP services to Council.

7. RELATED PARTY TRANSACTIONS

All transactions between Council and related parties, whether monetary or not, are required to be identified. Such transactions may include:

- Purchase or sale of goods;
- Purchase or sale of property and other assets;
- Rendering or receiving services;

- Leases;
- transfers of research and development;
- transfers under licence agreements;
- transfers under finance arrangements (including loans and equity contributions in cash or in kind);
- provision of guarantees or collateral;
- commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised);
- Quotations and/or tenders;
- Commitments; and
- Settlements of liabilities on behalf of Council or by Council on behalf of the related party.

8. EXEMPTIONS

Related party transactions excluded from disclosure requirements on the basis of Ordinary Citizen Transactions are;

- Any valid discounts and fee waivers that are available to the party as an ordinary citizen and is available to any ordinary citizen in the same circumstance, and
- Any service or benefit occurring within normal employee, customer or supplier relationships and at arm's length; and
- are not material or significant;

9. DISCLOSURES

Council must disclose all material and significant Related Party Transactions in its annual financial statements and include the following detail:

- a) The nature of the related party relationship; and
- b) Relevant information about the transactions including:
 - (i) The amount of the transaction;
 - (ii) The amount of outstanding balances, including commitments,
 - (iii) Provision for doubtful debts related to the amount of outstanding balances; and
 - (iv) The expense recognised during the period in respect of bad or doubtful debts due from related parties.

10. MATERIALITY

Materiality thresholds are reviewed annually as part of the audit process and reported related party disclosures will be in compliance with the framework of the Australian Accounting Standard AASB124 and other relevant standards, as required.

The following matters must be considered in determining the materiality and significance of any related party transactions:

- Significance of transaction in terms of size;
- Whether the transaction was carried out on non-market terms;
- Whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets;
- Whether the transaction is disclosed to regulatory or supervisory authorities;
- Whether the transaction has been reported to senior management; and
- Whether the transaction was subject to Council approval.

Regard must also be given for transactions that are collectively, but not individually significant.

11. PROCEDURES

The method for identifying the close family members, possible close family members and associated entities of KMP will be by KMP self-assessment. KMP have an ongoing responsibility to advise Council immediately of any Related Party Transactions.

The preferred method of reporting is for KMP to provide details of Related Parties and Related Party Transactions to the Director Corporate and Community Services.

Information provided will be reviewed in accordance with the Council's operational requirements and held on a centralised register.

This is page 71 of the Business Paper of the Ordinary Monthly Meeting of the Lockhart Shire Council held in the Council Chambers, Green Street, Lockhart – 15 June 2020.

Should a KMP have any uncertainty as to whether a transaction may constitute a related party transaction they should contact the Director Corporate and Community Services for clarification.

12. PRIVACY

Information provided by KMP and other related parties shall be held for the purpose of compliance with Council's legal obligation and shall be disclosed where required for compliance or legal reasons only.

13. POLICY REVIEW

This policy will be reviewed when any of the following occur:

- a change of Councillors, General Manager or other KMP;
- organisation restructure;
- the related legislation/documents are amended or replaced;
- other circumstances as determined from time to time by a resolution of Council; and
- changes to the Local Government Code of Accounting Practice and Financial Reporting.

14. TRAINING AND COMMUNICATION

This Policy will be provided to KMP in the initial awareness raising and data collection and as part of new Councillor inductions.

Internal training on supporting this Policy shall be scheduled as required.

*Adopted by Council – 15 June 2020
Refer Minute No. xxx/20*

*Adopted by Council – 19 June 2017
Refer Minute No. 149/17*

19. DRAFT LIGHT MOTOR VEHICLE POLICY

(DEES/C70-025)

Executive Summary

Policy 2.13 Replacement of Staff Cars & Transport Vehicles and Policy 3.4 Private Use of Motor Vehicles are due to be reviewed in accordance Policy No. 1.0 Policies - Procedure for Consideration and Adoption.

Background Information

At its meeting held on 20 March 2017, Council endorsed a revised Policy No. 1.0 Policies - Procedure for Consideration and Adoption. Policy 1.0 provides that:

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

Both Policy 2.13 Replacement of Staff Cars & Transport Vehicles and Policy 3.4 Private Use of Motor Vehicles were amended last on 17 August 2009. Both above policies are overdue for review and are also deemed outdated. A Draft Light Motor Vehicle Policy has been developed and will replace the two Council policies, being the:

- 2.13 Replacement of Staff Cars & Transport Vehicles
- 3.4 Private Use of Motor Vehicles

The Draft Light Motor Vehicle Policy includes several improvements to the two previous policies noted above, including:

- Clear demarcation of Council and employee responsibilities
- Set replacement of light motor vehicles closer to the IPWEA recommended replacement
- Set a clear price limit for light motor vehicles aligned with ATO taxation limits
- Detailed specification of vehicle types and selection (linked to NSW Government Fleet)

Legislative Policy and Planning Implications

NSW Road Transport Act 1993

Integrated Planning and Reporting Reference

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

Budget and Financial Aspects

Light motor vehicles are purchased and maintained in accordance annual budgets.

Attachment

Draft Light Motor Vehicle Policy

Recommendation: That Council adopts the Light Motor Vehicle Policy as presented.

Item 19 – Attachment: Draft 2.13 Light Motor Vehicle Policy

2.13 Light Motor Vehicle Policy

POLICY TITLE: Light Motor Vehicle Policy

FILE REF: P28-005

EXPIRY DATE:

OBJECTIVE

To recognise that vehicles are provided primarily to facilitate the efficient delivery of the Council's services; provide vehicles in a consistent and transparent manner to eligible employee positions within the Council; ensure the efficient utilisation of vehicles as they impact on the operational costs of service delivery; ensure that the administration of vehicles to employee positions meets Council, community, audit and legislative requirements; and set standards for all Council vehicles.

POLICY STATEMENT

Council will offer employees in key positions with Private Use or Restricted Private use of a vehicle. Private Use of a vehicle is available out of business hours and periods of leave. Restricted Private Use includes the use of a Council vehicle to travel between the employee's place of residence and workplace.

Council's Responsibilities

Maintenance and Repair: Council will be responsible for all expenses in the normal maintenance, repair and servicing of the Council-owned vehicle. Where the required repairs are a result of driver negligence, Council may recover the cost of repair from the driver.

Vehicle Replacement: Council will replace light motor vehicles as follows:

- Vehicles using petrol at 80,000 kilometres
- Vehicles using diesel at 100,000 kilometres.

It is the responsibility of a Council employee with Private Use or Restricted Private use of a Council-owned vehicle to advise Council's Fleet Manager that the vehicle is due for replacement approximately three (3) months before achieving 80,000/100,000 kilometres. The employee, at this time, must discuss with the relevant Director their preference for the make and model of the replacement vehicle. However, a request for a make or model vehicle and the willingness to pay the prescribed amount, as set out in this procedure is not a guarantee of supply. The relevant Director will consider the request against the criteria for vehicle purchasing, as outlined in this Policy. Prior to quotations/tenders being accepted, a new Private Use Vehicle Agreement must be completed, stating the vehicle price and fortnightly repayments, and signed by the employee.

Optional Vehicle Equipment or Features: A Council employee with Private Use of a Council-owned vehicle and requesting optional (after market) vehicle equipment or features other than standard equipment listed in this Policy will be responsible for the cost of these.

Mobile Phone Kits: Where Council provides an employee with a mobile phone and Private Use of a vehicle, the Council will only provide and install a mobile phone kit in a vehicle that is not capable of Bluetooth connectivity.

Vehicle Selection: Only vehicle makes and models on the current year NSW Government Fleet Price List will be considered for purchase by Council. The purchase of vehicle models other than those on the current year NSW Government Fleet Price List requires approval by the General Manager on recommendation from the Director Engineering and Environmental Services.

Standard of Vehicle: Council is conscious of the requirements of Workplace Health and Safety (WHS) legislation, as well as issues surrounding the environment and global warming. Council will therefore provide a Private Use vehicle, giving consideration in the following order:

- Fit for operational requirements
- Diesel fuelled (preferred)
- 5 Star ANCAP Rating
- Resale value

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CHAIRPERSON

- Fuel efficiency
- CO₂ emissions
- Employee preference

Council will continue to set a yearly budget for Council-owned vehicle replacement based on Council's plant replacement program. Vehicle choice and approval shall be made by the General Manager on recommendation from the Director Engineering.

The following items will be considered standard equipment for Council-owned vehicles:

- Power steering
- Air conditioning
- Window tinting
- Mud spats (front and rear)
- Floor mats
- Bluetooth.

Optional items include tow bar, Shoo-roo and satellite navigation.

Vehicle Colour: When selecting a new Council-owned vehicle, consideration must be given to the evidence that lighter colours are more visible and help to reduce the frequency and severity of accidents, operational requirements, public scrutiny and perception, and vehicle resale value.

Purchase Price: Council will not purchase vehicles that will incur the Luxury Car Tax under Federal legislation (for 'other vehicles' not 'fuel-efficient vehicles'). The maximum purchase price for Council-owned vehicles with Private Use are as follows:

- Category 1 (General Manager) – 90% of the Luxury Car Tax threshold under Federal legislation.
- Category 2 (Director) – 80% of the Luxury Car Tax threshold under Federal legislation.
- Category 3 (Other Employees) – 70% the Luxury Car Tax threshold under Federal legislation.

Vehicle Type: A Council employee with Private Use of a Council-owned vehicle shall only have access to the following vehicle types:

- **Passenger Car**

Small	Any passenger vehicle with a 4 cylinder engine generally with an engine capacity over 1500cc and with a body shape which is similar to the second smallest variant available from the major vehicle suppliers in Australia.
Medium	Any passenger vehicle with a 4 or 6 cylinder engine generally with an engine capacity under 3000cc and with a body shape considered to be in the mid-range of the Australian market.
Large	Any passenger vehicle with a 6-8 cylinder engine generally with an engine capacity 3000cc and over and which has a body shape considered in the "family" size range of vehicles which is similar to the second largest variant available from the major vehicle suppliers in Australia.

- **Passenger SUV**

Small	Any SUV vehicle with a 4 cylinder engine generally with an engine capacity of approximately 2 litres.
Medium	Any SUV vehicle with a 4-cylinder engine generally with an engine capacity under 3000cc and with a body shape which is similar to the smallest variant available from the major vehicle suppliers in Australia.
Large	Any SUV vehicle with a 4 or 6 cylinder engine and generally with an engine capacity 3000cc and over and with a body shape which is similar to the second sized variant available from the major vehicle suppliers in Australia.

- **Utility**

Standard	Any commercial vehicle which is a two-wheeled drive two-seater utility based on the large passenger vehicle with fixed sided carrying area.
PU/CrewCab 4X2	Any commercial vehicle which is two wheeled drive of cab, extra cab or dual or crew cab (5 seat) design with fixed sided or chassis rail and generally with no identifiable passenger variant.
PU/CrewCab 4X4	Any commercial vehicle which is four wheeled drive of cab, extra cab or dual or crew cab (5 seat) design with fixed sided or chassis rail and generally with no identifiable passenger variant.

Employee's Responsibilities

General: A Council employee assigned a Council-owned vehicle shall:

- Enter into a Private Use Vehicle Agreement to comply with this Policy and authorise payroll deductions of predetermined monetary payments for that private use.
- Be a holder of a current driver's licence endorsed to drive the class of vehicle being used. Holders of P-Plate and L-Plate licences must only drive a Council vehicle in accordance the restrictions placed on their licences.
- Be responsible for ensuring proper and adequate care, usage and maintenance of the vehicle.
- Store the vehicle in a secured space at the employee's principal place of residence, preferably off-street or in on-street parking areas, with keys removed and doors locked. Council does not take any responsibility for personal items stolen from Council vehicles.
- Ensure that the vehicle is appropriately maintained. Council will not be responsible for providing a replacement vehicle during maintenance and repairs of the vehicle where it is no longer roadworthy due to an employee's negligence, or any fines for driving an unroadworthy vehicle.
- Ensure that the vehicle is maintained in a clean and tidy condition. Failure to keep a Council-owned vehicle in a clean and tidy condition may result in the suspension or termination of the Private Use Vehicle Agreement to provide the vehicle.
- Have the vehicle available at work when the employee is on duty.

Drivers: Only an employee of Council or family member may drive a Council vehicle. A family member is a person that is a Council employee's spouse, partner or de facto spouse. The Council employee must be present in the Council vehicle when an appropriately licenced person other than a family member is driving the Council vehicle.

Alcohol and/or Drug Use: The *NSW Road Transport Act 1993* specifies limits of blood alcohol content when driving a vehicle. A Council employee shall not breach these limits by the consumption of alcohol and/or drugs more than the legal limits. Council employees operating a vehicle under the influence of intoxicating liquor and/or the effects of drugs and involved in an accident and are found to be at fault, Council's insurance company may either invalidate the insurance cover or take recovery action against the employee for the damage incurred. This shall be the sole responsibility of the employee who will meet the costs of such damage from their own resources. Council employees may also be subject to disciplinary action.

Smoke Free Environment: Smoking is prohibited in all Council-owned vehicles and items of plant.

Servicing and Breakdown Arrangements: Council-owned vehicles shall be serviced in accordance with the manufacturer's requirements, which are detailed in the owner's handbook supplied with the vehicle. The responsibility for ensuring that the vehicle is serviced at the appropriate interval rests with the designated driver of the vehicle. When a Council-owned vehicle requires a service or any unusual symptoms arise in the running of the vehicle, e.g. tyre wear, steering problems, poor brakes, lack of performance or any other mechanical problems, drivers should notify Council's Plant Supervisor immediately, where arrangements will be made for the appropriate servicing or maintenance of the vehicle to be carried out. Council will meet the cost of servicing, maintenance, insurance, and registration of the vehicle, unless driver negligence is determined.

Carpool: There are several Council-owned vehicles available for business use. These pool cars should be the first vehicles booked for business use by a Council employee without a designated Private Use vehicle. Where one of these pool cars is unavailable, designated Private Use vehicles that are covered under this Policy (excluding the General Manager's vehicle) are to be made available during working hours for business use. Carpool vehicles required during normal working hours must be booked out prior to usage and detailed in logbooks or running sheets. Where a vehicle is required overnight and a pool car is not available, the employee may negotiate with their Director to supply another vehicle or alternative travel arrangements.

Traffic Penalties: All drivers of Council-owned vehicles are subject to the law. Any fines, e.g. speeding, parking, careless driving, or any other breach of the law, will be the responsibility of the driver of the vehicle. Licence infringements and licence suspensions must be reported immediately to an employee's Director. Disciplinary action may be taken against a Council employee found in control of a vehicle without a current licence or with their current licence under suspension. Council employees will be responsible for all fines associated with driving without a current licence. In the event of extenuating circumstances with parking fines, a Council employee should notify their Director, who may refer the matter for adjudication of payment responsibility. If a Council employee is convicted of an offence and have his/her licence revoked/suspended, notification must be given to the employee's Director immediately.

First Aid Kit: Where a First Aid Kit is allocated to a Council-owned vehicle they should always be left in the vehicle. Personnel, who use a first aid kit for any reason, should contact Council's Plant Supervisor to advise that the First Aid Kit needs to be replenished.

Car Rallies and Motor Sports: A Council-owned vehicle must not be used in a car rally, time trial, or any other similar motor sport event that is inconsistent with the normal intended use of the vehicle.

Commercial Activities: A Council-owned vehicle must not be used for unauthorised commercial purposes. Use of a Council-owned vehicle shall be consistent with the purpose for which Council acquired the vehicle or for related activities within the terms and conditions of a Council employee's employment contract or remuneration package. Vehicles shall not be used or employed for any commercial purpose outside of a Council employee's employment contract, without the expressed permission of the General Manager.

Council Image: Council vehicles may be recognisable within the community. Therefore, it is expected that good driving habits and courtesy to other drivers on the road be a matter of course for Council operated vehicles.

Vehicle Inspection: Council vehicles are to be made available for inspection by the Plant Supervisor and/or Manager Works and/or Director Engineering & Environmental Services when requested.

Accident/Collision Reporting: All accidents or collisions to a Council-owned vehicle must be reported to Council's officer responsible for insurance, as soon as possible. Incidental damage, e.g. scratches, scrapes, minor dents and cracked windscreens should be reported as soon as practicable for rectification. Council will not meet the cost of the insurance excess on a Council-owned vehicle where the employee has clearly acted in a dangerous and reckless manner, disregarded Council policy and procedures, acted outside relevant State laws, or used the vehicle in any manner deemed inappropriate or dangerous. Where this is the case, Council will require payment of the insurance excess by the employee.

Interstate travel: A Council employee intending to use a Council vehicle to travel interstate to Queensland, South Australia, Western Australia or Northern Territory must obtain prior approval from the General Manager.

Toll Roads: A Council employee with Private Use of a Council-owned vehicle will be responsible for all costs incurred on toll roads whilst the vehicle is being used for private purposes.

Fuel Purchasing: All Council-owned vehicles will be issued with a fuel card, authorised for fuel and top-up oils only. Only those products for which the fuel card is authorised may be purchased. Drivers must ensure that the correct odometer reading is given to the attendant at the time of purchase. All particulars on the fuel tax invoice must be checked to ensure that registration number, date, odometer reading, fuel type, litres purchased, and dollar value are all legible and correct.

All drivers of a Council-owned vehicle in control of the fuel card for the vehicle are to ensure the fuel card is always kept in the glove box of the appropriate vehicle. At vehicle change over, the fuel card will be transferred to the new vehicle unless the registration plates are changed. In this event, the fuel card must be returned to Council's Director Corporate & Community Services for renewal or disposal.

A Council employee with Private Use of a Council-owned vehicle intending to use a Council vehicle to travel to South Australia, Queensland, Western Australia, Tasmania and the Northern Territory during Annual Leave will be responsible for the cost of fuel purchases when refuelling in these states.

Vehicle Changeover: A Council employee with Private Use of a Council-owned vehicle will be required to follow the procedures outlined in this Policy when a vehicle is due for replacement.

Vehicle Handback: A Council employee with Private Use of a Council-owned vehicle may decide to hand back the private use of the vehicle to Council at any time if their circumstances change. Council will also give consideration as to the vehicle being returned and the future requirements of that vehicle.

*Adopted by Council –
Refer Minute No.*

20. LOCAL GOVERNMENT (COVID-19) ECONOMIC STIMULUS PACKAGE

(GM/H10-030)

Executive Summary

At the last Council meeting, following a review of the operations of REROC and RIVJO, it was resolved that a final decision on Council's participation in the regional organisations be determined once the funding arrangements for the NSW Government's COVID-19 Local Government Stimulus Package, which aims to reduce the significant impacts of the COVID-19 pandemic on local councils across the State, have been resolved. Details of the funding agreement for the stimulus package have now been received.

Report

It was reported to the last Council meeting that, following an independent review of the operations of REROC and RIVJO, the Boards of the two regional organisations resolved that the preferred way forward was to transition to a single entity through the creation of a new regional organisation structured as a company limited by guarantee.

However, things changed significantly subsequent to the REROC and RIVJO Boards passing the abovementioned resolution and prior to individual member councils considering their position when the NSW Government released its COVID-19 Local Government Economic Stimulus Package. Information released by the Office of Local Government (OLG) in relation to the stimulus package indicated that councils that are members of a JO will need to work with member councils to continue to fund their JO for a period of two years as a condition of accessing the funding. In view of the circumstances Council at its meeting held on 18 May 2020 resolved that:

1. *"Council provides in-principle support for the way forward determined in relation to the creation of a new regional organisation under the structure of a company limited by guarantee.*
2. *A final decision on Council's participation in the new regional organisation be determined once the funding arrangements for the COVID-19 Local Government Stimulus package have been resolved".*

Details in the form of a Funding Agreement were received from the Office of Local Government (OLG) on 1 June 2020. The Funding Agreement is required to be signed and returned to OLG by COB 24 June 2020. The Local Government Economic Stimulus Package has three main elements as follows:

Job Retention Allowance – The Government is funding a Job Retention Allowance of \$1,500 per fortnight per qualifying employee for three months to limit job losses in the NSW local government sector. The State allowance is being provided since councils were deemed ineligible for the Commonwealth's JobKeeper Payment. In order to access the Job Retention Allowance councils will be required to satisfy a number of conditions including being able to provide evidence to OLG of financial distress as a result of the COVID-19 crisis. OLG has advised that in order to demonstrate financial distress councils will need to be projecting a 30% reduction in own-source revenue each quarter, commencing with the 4th quarter of the 2019-20 financial year.

Emergency Services Levy – The NSW Government will fully fund the \$32.76 million increase in the emergency services levy (ESL) for all NSW councils for 2020-21. The amount of the increase relating specifically to Lockhart Shire Council is \$88,404.

TCorp Loans – The local government economic stimulus package will also make it easier for local councils to secure low-interest, safe and secure infrastructure loans from TCorp. The local government lending facility is being increased by a further \$250 million to \$1.35 billion. TCorp will also consider deferring principal and interest payments on council loans upon request for the next six months. As part of the package, councils previously ineligible for TCorp loans will now be able to access the local government lending facility for the next six months.

The ESL rebate is the only element of the stimulus package that Council will be in a position to take advantage of. However, the amount involved i.e. \$88,404 is significant as it is the equivalent of a 3.6% increase in ordinary rate income. The rate peg for 2020/21 is 2.6%

It is also made clear in the Funding Agreement that:

“To access any part of the Council Stimulus Package, Council must:

If a member of a joint organisation (JO), continue to support that JO’s continued operations including with necessary funding for a period of two years from the date of this agreement.”

As stated above the amount of the ESL rebate is significant and foregoing this element of the stimulus package will have budgetary implications for the Council. In the circumstances it is recommended that Council sign and return the Local Government Economic Stimulus Package Funding Agreement. It is understood that other RIVJO member councils are adopting a similar approach.

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

Legislative Policy & Planning Implications

The local government economic stimulus package will provide financial assistance to councils that are able to satisfy the conditions for accessing the financial assistance.

Budget & Financial Aspects

The economic stimulus package with respect to the funding of the increase in the ESL, has been incorporated into the 2020/21 Draft Budget which is the subject of a separate report.

Attachments

Nil.

Recommendation: That Council sign and return the Local Government Economic Stimulus Package Funding Agreement noting that a condition of the Agreement is that Council continue to support the operations of the Riverina JO for a period of two years.

QUESTIONS AND STATEMENTS

CLOSED SESSION

Agenda

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

21. AGED CARE ACCOMMODATION IN LOCKHART (GM/A25-030)

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:

- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.