



BUSINESS PAPER

**of the
Ordinary Meeting
Held
16 December 2019**

**PLEASE NOTE THAT THE MEETING WILL BE PRECEDED BY A
COUNCILLOR WORKSHOP AT 3.30PM TO CONSIDER
PROJECTS FOR DROUGHT RELIEF FUNDING**

**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)

File Ref: PV:LA:C70-005

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11 December 2019

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, 16 December 2019** commencing at **5.00pm**.

The Order of Business will be as shown overleaf.

Please note that a representative of the NSW Audit Office will be present to address Council in relation to the presentation of the 2018/19 Audited Financial Statements.

Gordon Hinds of Better Energy Technology Pty Ltd will also be in attendance to provide a progress update in relation to Stage 1 of the Lockhart Renewable Energy Project.

The meeting will be preceded by a Councillor Workshop to consider projects for Drought Relief Funding.

Yours faithfully



Peter Veneris
GENERAL MANAGER

Order of Business

Opening with a Prayer	
Apologies	
Nil	
Leave of Absence	
Nil	
Confirmation of Minutes of the Ordinary Meeting 18 November 2019	
Declarations of Pecuniary & Non-Pecuniary Interest	
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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.

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

1. POLICE AND COMMUNITY CONSULTATION GROUP MEETING – 19 NOVEMBER 2019 (GM/P35-005)

A quarterly meeting of the Police and Community Consultation Group was held at The Rock on Tuesday, 19 November 2019.

The meeting was attended by NSW Police and representatives of licensed premises and community organisations in the Shire. The following matters were noted:

- The truck parking issue at The Rock appears to have improved in recent times and the proposed redevelopment of the Kings Own Hotel at The Rock to provide for a 24-hour fuel outlet and truck stop will further assist in addressing this problem.
- Reported break-ins and general crime incidents were down and communities reported no issues of concern.
- The Police were advised of forthcoming events in the Shire including The Rock B 'n S Ball.
- The Manager of the Lockhart IGA informed Police that it has installed security cameras at the front of its premises.
- The Manager of the Lockhart Ex- Services Club offered to liaise with the Police and reach out to other licensed premises to determine whether there was interest in the establishment of a Liquor Accord in the Shire
- Whereas Police had previously advised that funding had been approved for the repair and refurbishment of the Police residence at The Rock, the budgetary priorities have since changed and the upgrade won't be proceeding as previously indicated. It was noted that the building is in a significant state of disrepair and unable to be occupied without major expenditure.

The next meeting will be held at Pleasant Hills on 11 February 2020.

Cr Greg Verdon
Delegate

Recommendation: That the information be noted.

Notes:

Status Report/Précis of Correspondence Issued

Status Report: Council Resolutions and Tasks to be finalised

Res. No:	Officer to Action	Info	Action Taken
Ordinary Council Meeting held 18 November 2019			
343/19	GM	Closed Agenda – Aged Care Accommodation A more detailed report be prepared and presented to a future meeting of Council.	A Report is proposed to be tabled at the February 2020 Council meeting.
342/19	GM	Closed Agenda - Potential Property Acquisition – Public Toilets Green Street, Lockhart Funding of this project be considered in conjunction with other priorities at the Councillor Workshop proposed to be convened in response to the drought relief funding announcement.	Workshop convened on 16 December 2019.
340/19	GM	Policy 3.31 Health and Wellbeing Leave Policy 3.31 Health & Wellbeing Leave, as presented, be adopted.	Policy Register updated. Complete.
339/19	GM	Code of Conduct Statistics – Annual Report a) Council note that for the reporting period 1 Oct 2018 to 30 Sept 2019 there were no complaints made under the Council’s Code of Conduct; and b) The information be forwarded to the Office of Local Government.	Code of Conduct statistics forwarded to OLG. Complete.
338/19	GM	Audit, Risk and Improvement Committees – Discussion Paper Council to make a submission to OLG in the following terms: a) The criteria for the appointment of independent members to the ARIC is too restrictive and will make it difficult, if not impossible, for rural councils to appoint independent members from within their local government area. b) Being forced to appoint independent members from further afield will add additional costs to the operation of ARIC’s over and above those outlined in the Discussion Paper. c) Former councillors and general managers should not be prevented from being members of an ARIC of a council that they have not previously been associated with. Persons with an understanding of local government should be encouraged rather than prevented from being members of an ARIC. d) Councils should be able to determine whether they wish to combine the Chief Audit Executive’s role with the Risk Management Coordinator’s role. The proposal that the endorsement of the ARIC will also be required before the combined role can commence undermines the authority of the Council as the governing body. e) Under the existing provisions of the Local Government Act, the Council is responsible for determining the resources that are to be provided for the operation of the council organisation (i.e. adoption of the Delivery Program, Operational Plan and Budget). The proposal that the general manager is to ensure that, if required, the council has adequate internal audit personnel to support the Chief Audit Executive also has the potential to undermine the authority of the Council as the governing body.	Submission forwarded to OLG. Complete.

This is page 9 of the Business Paper of the Ordinary Monthly Meeting of the Lockhart Shire Council held in the Council Chambers, Green Street, Lockhart – 16 December 2019.

336/19	GM	<p>2018/19 Annual Report 2018/19 Annual Report be endorsed and the General Manger be authorised to forward a copy of the Report to the Minister for Local Government.</p>	Annual Report forwarded to Minister and uploaded on to Council's website. Complete.																																				
335/19	DCCS	<p>Quarterly Budget Review – September 2019 a) The information be noted; and b) The adjustments in income, expenditure and reserves in the September 2019 Quarterly Budget Review, as presented, be adopted subject to the following amendment to Council's income from interest on investments:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Description</th> <th rowspan="2">2019/20 Operational Plan Estimates</th> <th>Actuals</th> <th rowspan="2">Amendment to Original Budget</th> <th rowspan="2">Amended Budget Post September Review</th> </tr> <tr> <th>July-Sept 2019</th> </tr> </thead> <tbody> <tr> <td colspan="5">General Fund</td> </tr> <tr> <td>Interest on Investments</td> <td style="color: red;">\$145,000</td> <td style="color: red;">\$32,296</td> <td>\$25,000</td> <td style="color: red;">\$120,000</td> </tr> <tr> <td>Budget Surplus/(Deficit)</td> <td style="color: red;">\$17,783</td> <td></td> <td>\$75,779</td> <td>\$57,996</td> </tr> <tr> <td colspan="5">Sewer Fund</td> </tr> <tr> <td>Interest on Investments</td> <td style="color: red;">\$20,000</td> <td>\$451</td> <td>\$5,000</td> <td>\$15,000</td> </tr> <tr> <td>Budget Surplus/(Deficit)</td> <td>\$4,216</td> <td></td> <td>\$5,000</td> <td style="color: red;">\$784</td> </tr> </tbody> </table> <p>c) The carried forwards and revotes as reported are funded from Reserves be adopted.</p>	Description	2019/20 Operational Plan Estimates	Actuals	Amendment to Original Budget	Amended Budget Post September Review	July-Sept 2019	General Fund					Interest on Investments	\$145,000	\$32,296	\$25,000	\$120,000	Budget Surplus/(Deficit)	\$17,783		\$75,779	\$57,996	Sewer Fund					Interest on Investments	\$20,000	\$451	\$5,000	\$15,000	Budget Surplus/(Deficit)	\$4,216		\$5,000	\$784	Reported to November Council meeting. Complete.
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332/19	MES	<p>Development Application 50/19 Council approve the application for development consent 50/19 for the establishment of a service station, and refurbishment of existing hotel and motel, located at Lot 1 DP 1250282, 4760 Olympic Hwy, The Rock NSW, subject to conditions as per Council Minutes.</p>	Development consent 50/19 has been drafted, executed and sent to applicant. Complete.																																				
326/19	TEDO	<p>Lockhart Shire 2019 Business Survey a) survey results be posted online; and b) survey outcomes be used to assist future strategic decision making in Delivery Programs and budget priorities.</p>	Complete.																																				
325/19	GM	<p>Drought Relief Funding A Councillor Workshop be convened prior to the December Council Meeting at 3.30pm, Monday, 16 December 2019 to determine projects to be submitted by Council for funding under the Drought Communities Programme Extension.</p>	Workshop convened on 16 December 2019. Complete.																																				
317/19	TEDO	<p>Minutes of the TEDSC Meeting - Lockhart Shire Brochure The collaboration with surrounding Councils be supported subject to a quality destination awareness brochure being made available for distribution in print and online.</p>	Brochure collaboration in progress Complete.																																				
314/19	TEDO	<p>Minutes of the TEDSC Meeting – TEDSC Committee Member – Pleasant Hills Mr Peter Creek be approved as a member of the Tourism and Economic Development Steering Committee.</p>	Complete.																																				

Ordinary Council Meeting held 21 October 2019			
302/19	DCCS	<p>Audited Financial Statements – 2018/19</p> <p>a) That Council certify in its opinion the General Purpose Financial Statements and the Special Purpose Financial Statements as prepared, are in accordance with the attached certificates and that the certificates be completed by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer.</p> <p>b) The funds as listed in the schedule be reported as internally restricted in Council's accounts as at 30 June 2019.</p>	<p>The GM & DCCS have had the post audit close out meeting and at this stage Statements are on schedule to present to the December 2019 meeting. Report in Agenda to present Statements. Representative from Crowe will be in attendance to present and answer questions.</p>
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. Successful builder has scheduled for February 2020.</p>
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>Funding Agreement signed.</p> <p>Stage 1 commenced.</p> <p>Arrangements made for representatives of Better Energy Technology to provide an update to Council at the December Council meeting.</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>
219/19	DEES	<p>Pleasant Hills Water Filling Station</p> <p>a) Enters into agreement with Riverina Water County Council to acquire the land at Lot 10 DP 9145 Manson Street, Pleasant Hills for the purposes of establishing a Water Filling Station;</p> <p>b) The land be categorised as Operational under the Local Government Act 1993.</p>	<p>Letter provided to Riverina Water.</p> <p>Contracts exchanged.</p> <p>Work in progress.</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	Shire and Town Entrance Signs Council: a) Endorses the shire entrance and town sign proofs in principle; b) Refers 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.	Plans referred back to TEDO for further consultation with local Progress Associations and community groups. Ongoing.
Ordinary Council Meeting held 17 June 2019			
144/19	TEDO	Minutes of the TEDSC Meeting – Public Art Projects 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.	Funding secured. Art design in progress
Ordinary Council Meeting held 15 April 2019			
77/19	DCCS	Lockhart Medical Centre Community Services Building 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.	GM & DCCS met with Valmar's Coordinator - Fleet, Asset and Corporate to progress the matter with Valmar agreeing to provide plans prior to Council's providing landowners consent to lodge a DA. Valmar are in the process of putting plans with proposed works together to present to Council for approval. No updates to report. 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.
Ordinary Council Meeting held 18 March 2019			
66/19	DEES	Proposed Restructure – Engineering and Environmental Services Proposed restructure to include: a) Regrading the vacant Grader and Roller Operator positions to a Plant Operator and a Labourer respectively; b) The addition of the position of Light Vehicle Mechanic in the organisation structure; c) The addition of the position of Compliance Officer (permanent part time 25.5 hours per week) in the organisation structure; and d) Extending the position of Fixed Term Project Officer with current incumbent to continue in the role on a works as required basis until 31 December 2020.	a) New positions have been filled. b) Position has been filled. c) This position has not been filled due to shortage of suitable applicants. d) Project officer's fixed term appointment has been extended to 31 December 2020.

Ordinary Council Meeting held 4 February 2019			
25/19	DCCS	<p>Information Technology Systems Infrastructure</p> <p>a) Council approve the purchase of the additional information technology infrastructure up to value \$25,000; and</p> <p>b) Additional information technology infrastructure to be funded from December 2018 Quarterly Budget Review.</p>	<p>Contact has been made with selected suppliers. Tender specifications being finalised to initiate negotiations will select suppliers to continue.</p> <p>Ongoing.</p>
Ordinary Council Meeting held 17 December 2018			
344/18	GM/ DCCS	<p>Closed Agenda – Request from Osborne Recreation Ground Management Committee</p> <p>a) Enter into a lease agreement with Jason Webster, as adjoining landowner to the Osborne Recreation Ground to lease land as per map for \$1.00 per annum for 3 years, and</p> <p>b) The General Manager and Director Corporate and Community Services be authorised to sign the lease on behalf of Council.</p>	<p>Lease is being drafted. The matter of a 3-year lease was following up and solicitor advised a caveat stipulating Council's interest with regards to leased land can be put in place. Work is progressing and updates will be reported to Council.</p> <p>In the hands of Friedlieb Fox McLeod to draw up agreements & have adjoining landowner sign.</p>
Ordinary Council Meeting held 15 October 2018			
261/18	TEDO	<p>Minutes of the TEDSC Meeting – Water Tower Lighting</p> <p>Consideration be given to funding to light the Lockhart Water Tower Mural and that Council investigate possible lighting options.</p>	<p>Photographs of the water tower mural in the evening show it is quite well lit. Discussions in progress with Parks & Gardens regarding any potential improvements.</p>
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>MoU with RWCC being discussed.</p>
Ordinary Council Meeting held 17 September 2018			
252/18	DCCS	<p>Closed Agenda – Information Technology Systems – Quotations</p> <p>a) Council approve the purchase of the Electronic Document and Records Management System (EDRMS) HPE Content Manager with initial purchase, setup and training costs to be funded from Council's Systems & IT Improvements Reserve;</p> <p>b) Council approve the purchase of Asset Management system AssetFinda with initial purchase, setup and training costs to be funded from Council's Systems & IT Improvements Reserve;</p> <p>c) Initial and ongoing cost of iPad Minis are to be incorporated and funded from Council's Operating Plan Budget at Quarterly Budget Review; and</p> <p>d) Year 2 and ongoing annual license fees cost are to be incorporated and funded from Council's Operating Plan Budget.</p>	<p>Purchase Order for AssetFinda raised, software licence received and being reviewed.</p> <p>IT Server is at end of life, quotes being sort. Server requires upgrade or replacing to enable AssetFinda to be installed. Refer to item in this agenda on upgrade to server.</p> <p>Purchase order raised for HPE Content Manager, Project manager from Civica has been assigned. Civica are scheduled to do an initial workshop to kick off the project early February 2020.</p>

Ordinary Council Meeting held 19 March 2018			
68/18	GM	<p>Closed Agenda – Green Street West Lockhart – Price Review</p> <p>a) Council adopt the following asking process for lots remaining unsold in the residential subdivision at Green Street West, Lockhart:</p> <p style="margin-left: 20px;">a. \$25,000 Lots 1, 6, 7, 9, 10, 23, 24, 25, 27, 28, 29, 30, 31, and 32</p> <p style="margin-left: 20px;">b. \$27,500 Lots 12, 16, 17 and 18</p> <p style="margin-left: 20px;">c. \$44,000 Lots 11 and 34</p> <p>b) That in relation to Lots 6-7, 9-10, 23-25 and 28-31, the price of two adjoining lots sold in a single transaction, i.e. one contract of sale, be reduced to \$22,000 each or a total contract price of \$44,000.</p> <p>c) That Lot 8 Rockliff Court in the Green Street West Residential Estate be taken off the Market whilst cost estimates are prepared for converting the allotment into a local park.</p> <p>d) That the GM be authorised to negotiate with project home builders for establishment of a display home at Green Street West with any incentives to be offered to be subject to approval by Council.</p>	<p>Council's agent has been informed of the revised selling prices adopted by Council.</p> <p>Council's agent is contacting all builders on its data base regarding incentives that might encourage the construction of a spec/display home.</p> <p>A cost estimate for converting an allotment into a park is currently being prepared.</p> <p>The project has been referred to the Councillor Workshop to be held on 19 August 2019 to consider projects for funding under Round 3 of the SCCF Grants program.</p>
Ordinary Council Meeting held 18 April 2017			
72/17	DEES	<p>Caravan Parks</p> <p>a) Information noted pending a furthermore detailed report</p> <p>b) Council has determined as a matter of policy that caravan parks be short term (holiday park) stays; and</p> <p>c) Expressions of Interest (EOI) be invited for Management of the Lockhart Caravan Park for 1 July 2017 to 30 June 2018 with option of 2 x 12-month extensions on mutual agreement.</p>	<p>More detailed report to be presented at a future Council meeting.</p> <p>Items (b) & (c) are complete. Staff currently compiling information to put together further report to come to Council shortly.</p> <p>Report to August 2019 Council meeting.</p> <p>See item 223/19.</p>
Ordinary Council Meeting held 16 May 2016			
109/16	DCCS	<p>Old Lockhart Railway Station Building</p> <p>Council to:</p> <p>a) Seek to find a suitable use/tenant for the building</p> <p>b) Begin negotiations with JHR to hand building back, if suitable use/tenant not found within next 6 months.</p>	<p>Ongoing. No potential tenants have enquired. Promoting venue as a regional meeting site. Very little activity to date. Lockhart Central School has used for 2018 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>
Ordinary Council Meeting held 18 November 2019 – Councillor Questions & Statements			
	A/DEES	<p>Cr Day – Bridge over brooking Creek, Lockhart –</p> <p>Would Council consider naming the bridge over brooking Creek, Lockhart (at the end of Green St) because of its proximity to the Greens Gunyah Museum?</p>	<p>Acting DEES advised he will investigate and provide a report to Council at a future meeting.</p>

	A/DEES	Cr Rockliff – Mobility Scooters in Lockhart Township – 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?	A/DEES advised he will investigate a solution and advise.
	A/DEES	Cr Rockliff – Walter Day Park, Lockhart – Enquired if there is a problem with the sprinklers at Walter Day Park, as large sections of grass are dying off?	Acting DEES advised he will investigate and advise.
	A/DEES	Cr Rockliff – Water Damaged Laneway, Lockhart – Advised that the last laneway heading east at cnr. Urana and Day Sts have been left suffering water damage following recent pipe replacement works by Riverina Water.	Acting DEES advised that he will investigate and advise. Cr Verdon advised that Riverina Water would be happy to provide materials.
	DCCS	Cr Douglas – Surrounds of Magnolia Lodge, Lockhart – Advised there is currently cracked pathways, etc. surrounding Magnolia Lodge and asked if these could be attended to in the interest of public safety. Cr Douglas also asked how work is progressing on the fire damaged unit at Magnolia Lodge?	DCCS advised that Council's Finance Officer had recently attended Magnolia Lodge with a concreter to obtain a quote to repair the pathways. With regards to the damaged unit, DCCS advised that work is progressing, but wished to also advise that there is currently no waiting list for this unit.
	A/DEES	Cr Sharp – Culverts on the Henty Pleasant Hills Road – Enquired when new culverts on the Henty-Pleasant Hills Road will be completed?	Acting DEES advised that he will investigate and advise.
	A/DEES	Cr Walker – Tootool Mittagong Road – Advised he had received complaints from residents regarding the condition of the Tootool- Mittagong Rd, with large rocks currently coming up through the road.	Acting DEES advised that he will investigate and advise.
Ordinary Council Meeting held 21 October 2019 – Councillor Questions & Statements			
	A/DEES	Cr Driscoll – Carson Rd Development, The Rock – Requested that the Carson Rd Development in The Rock be mowed as it is looking very untidy.	Acting DEES advised that he will investigate and take appropriate action.
	A/DEES	Cr Sharp – Long Grass on Urana Road – Enquired if the wild oats/rye on Urana Rd which is up to 1mtr high in some places could be slashed/sprayed as it is posing a danger to drivers and looks unsightly?	Acting DEES advised that he will investigate and take appropriate action.
	A/DEES	Cr Walker – Roadside Tree Trimming Program – Enquired if this program was still in progress and could it be extended to other roads in the Shire?	Acting DEES advised that the operator had experienced a slight hold up. Tree trimming for other Shire roads could be provided as funding permits.

Ordinary Council Meeting held 16 September 2019 – Councillor Questions & Statements			
	GM	Cr Verdon – Opportunities for Trainees in Lockhart Shire – Enquired if it would be possible to identify possible opportunities for trainees in Lockhart Shire.	GM advised that during a recent visit to Canberra REROC delegates met with the Minister for Employment, The Hon Mikaela Cash MP, who undertook to provide information on all Commonwealth Government funding opportunities and subsidies that are available, and that following receipt of this information consideration will be given to opportunities that could apply to Lockhart Shire. REROC has also indicated that it will host an information session for member councils once the information is received from the Minister's office.
	A/DEES	Cr Marston – Emily Street, The Rock – Enquired if vegetation on the corner of Emily Street and the Olympic Highway, The Rock could be mowed/whipper-snipped?	Acting DEES advised that he will investigate and take appropriate action.
	DCCS	Cr Rockliff – Lockhart Golf Club – Advised the Lockhart Golf Club is currently struggling with membership numbers and enquired if the possibility of the Club becoming a Section 355 Committee of Council could be investigated.	DCCS advised that he will investigate and advise. A meeting with the Lockhart Golf Club has been arranged. An update will be provided at Council meeting.
	DCCS	Cr Sharp – Pleasant Hills Community Hotel Financial Statements – Enquired if the Hotel had forwarded a copy of their 2018/19 financial statements to Council?	DCCS advised that the Hotel had not sent a copy of their Financial Statements as yet and he would follow up with the Hotel. The 2018/19 Treasurer's Report to last AGM has been received at Council. Complete.
Ordinary Council Meeting held 19 August 2019 – Councillor Questions & Statements			
	GM/ DCCS	Cr Marston – Status of Work on the Second Oval, The Rock – 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.	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 2 nd oval. Crown Lands have advised that the TSR on Old Trunk Rd is subject to an Aboriginal Land Claim.
	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?	DEES advised that he will investigate and take appropriate action. Council staff are investigating.
	DEES	Cr Rockliff – New Shop Owners in Green Street Planning on Living in the Shopfront – Advised that it had come to his attention that new shop owners in Green St, Lockhart CBD could be planning on living in the shop fronts.	DEES advised that he will investigate and take appropriate action. Council staff are investigating.

	DEES	Cr Douglas – Tenison Lane, Lockhart – Enquired if Tenison Lane could have a maintenance grade before the harvest season?	DEES advised he will investigate and advise. Tenison Lane to be graded when resourcing permits.
	DEES	Cr Douglas – Nursery, The Rock – Enquired if staff had received the letter of concern from Leo Driscoll regarding the nursery in The Rock?	DEES advised that staff were currently investigating the matter and will respond accordingly. Council staff are investigating.
Ordinary Council Meeting held 15 July 2019 – Councillor Questions & Statements			
	DEES	Cr Marston – Creek Crossing on Jaegers Lane – advised that the creek crossing on Jaegers Lane is washed out.	DEES advised that he will investigate and noted that the creek crossing might not be in Lockhart Shire. DEES has investigated and interim works to occur shortly.
Ordinary Council Meeting held 17 June 2019 – Councillor Questions & Statements			
Councillor's Questions	DEES	Cr Rockliff – Farrells Lane – Has been advised that there wash-outs across Farrells Lane at the crossing.	DEES advised he will investigate and take appropriate action. Investigations have determined work is required on the table drains. Timing to be confirmed.
	DEES	Cr Day – Compliance Officer – Enquired as he had noticed that the Compliance Officer position is to be advertised?	DEES advised as the position is now to become a permanent position it must be readvertised, which will be done in the next few months. Position has been advertised. Currently assessing applications.
Ordinary Council Meeting held 20 May 2019 – Councillor Questions & Statements			
	DEES	Cr Douglas - Carns Lane – Requested that the drainage along Carns Lane be investigated and improved as the water does not seem to be getting away.	DEES advised he will investigate and take appropriate action. DEES has inspected the road and maintenance grading to occur shortly which should address most drainage issues. Carns Lane is currently being graded.
	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?	DEES advised he will investigate and take appropriate action. Works have been planned to concrete the ends of the drains to improve water movement.
Ordinary Council Meeting held 15 April 2019 – Councillor Questions & Statements			
	DEES	Cr Day – Brookong Reserve Signs on Urana Road, Lockhart – Enquired if these signs could be replaced?	DEES advised he will investigate and take appropriate action. Staff are investigating what can be done regarding the signage as this is not a Council reserve.

	GM	Cr Driscoll – Lockhart Shire Council Block of Land, Scott Street, The Rock – Enquired of Council was planning to sell the block of land in Scott St, The Rock?	GM advised that an expression of interest has been received in relation to another parcel of land not currently listed for sale that will be the subject of a report to a future meeting of Council which can also include consideration of the block of land in Scott St, The Rock.
	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?	DEES 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			
Councillor's Questions	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 OEH about opportunities. Council to provide information to OEH. DEES still in discussions with OEH. This will be a work in progress.
Ordinary Council Meeting held 21 May 2018 – Councillor Questions & Statements			
	DEES	Cr Rockliff – Water going into Back Yards between Green & Hebden Sts, Lockhart – Advised he has been approached by 2 residents regarding water going into back yards between Green and Hebden Sts, Lockhart.	DEES advised he is aware of the issue and will investigate when time and resourcing permits.
Ordinary Council Meeting held 20 November 2017 – Councillor Questions & Statements			
Councillor's Questions	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.
Ordinary Council Meeting held 17 July 2017 – Councillor Questions & Statements			
	COUNCIL LORS	Cr Schirmer – Councillor Relaxed Visits throughout Shire – Thanked Councillors who attended recent Friday night at the Pleasant Hills Pub and advised the visit was well received by the locals with positive feedback being given.	Councillors attended the Friday fish & chips night at Yerong Creek on 6 July 2018.

16 December 2019 Council Meeting - Correspondence Sent to Councillors

Date to Councillors	From	Subject	File Ref
19/11/19	ALGA News Editor	ALGA News 15 November 2019	A75-005
19/11/19	Cr Linda Scott, LGNSW	LGNSW Weekly – 14 November 2019	S20-007
21/11/19	Cr Linda Scott, LGNSW	LGNSW Weekly – 21 November 2019	S20-007
27/11/19	ALGA News Editor	ALGA News 22 November 2019	A75-005
02/12/19	Cr Linda Scott, LGNSW	LGNSW Weekly 28 November 2019	S20-007
02/12/19	The Hon Shelley Hancock MP	Office of Local Government – November Newsletter	D14-010
02/12/19	ALGA News Editor	ALGA News 29 November 2019	A75-005
09/12/19	ALGA News Editor	ALGA News 6 December 2019	A75-005
09/12/19	Cr Linda Scott, LGNSW	LGNSW Weekly 5 December 2019	S20-007

Recommendation: That the information be noted.

Notes:

Staff Reports

STRATEGIC DIRECTION A: A Connected and Resilient Community

1. DROUGHT RELIEF FUNDING

(GM/G10-005)

Executive Summary

The Deputy Prime Minister and Member for Riverina, the Hon Michel McCormack MP, has announced drought relief funding of \$1 million for Lockhart Shire under the Drought Communities Programme Extension. Council is required to identify and submit projects that meet the funding guidelines for approval.

Report

It was reported at the last Council meeting that Lockhart Shire Council is eligible to apply for up to \$1 million in drought relief funding under the Australian Government's Drought Communities Programme Extension. The Program aims to support local community infrastructure and other drought relief projects for communities who have been impacted by drought.

At the last Council meeting it was resolved that a Councillor Workshop be convened to determine projects to be submitted by Council for funding under the Drought Communities Programme Extension. The Workshop has been scheduled for 3.30pm on Monday 16 December 2019. The matter has been included in the Council Business Paper in order to provide the Council with the opportunity to formally endorse by Council resolution any outcomes from the Workshop.

Since the last Council meeting updated Grant Guidelines have been released. Relevant extracts from the updated Guidelines are summarised below.

Grants available

Eligible Councils can receive funding for projects up to a maximum of \$1 million per announcement of funding. The grant amount will be up to 100 per cent of eligible project costs:

- The minimum grant amount per application is \$25,000;
- Applications can include multiple unrelated activities up to the total funding amount available per Eligible Council.

Eligible Councils announced for funding up to and including September 2019 may submit more than one application. Eligible Councils announced for funding from November 2019 may only submit one application.

Co-funding from Eligible Councils is not mandatory, but Council's may access other funding for the project. Cash funding or in-kind support can be provided by any organisation including, but not limited to, the Eligible Council, state government, not-for-profit organisations and private sector companies. Funding can also form one component of a larger package of Australian Government funding, noting that other funding needs to meet the eligibility criteria of the program from under which it is funded. For example eligible road projects may be part funded under the [Roads to Recovery Program](#).

Funding under this grant opportunity cannot be considered to be part of, or all of, a Council's contribution to projects under the Bridges Renewal Programme, the National Stronger Regions Fund, the Building Better Regions Fund, the Regional Growth Fund or the Heavy Vehicle Safety and Productivity Programme.

Eligible projects

To be eligible the project must:

- be located in an Eligible Council area
- include eligible activities and eligible expenditure
- have at least \$25,000 per application in eligible expenditure
- be undertaken in the project period and completed by 31 December 2020.

Eligible activities

Eligible activities must directly relate to the project and can include:

- repairs, maintenance, upgrading or building new community facilities
- repairs, maintenance, upgrades, construction and fit-out of community spaces
- employing local contractors to undertake repairs and maintenance
- holding events
- undertaking other drought relief activities (including water carting for human consumption) that benefit the community
- development of an Adverse Event Plan.

Eligible expenditure

Council can only spend grant funds on eligible expenditure incurred on an agreed project as defined in the grant agreement. Eligible expenditure items may include the cost of:

- suppliers, consultants and contracted labour undertaking eligible project activities
- materials required to deliver eligible project activities
- purchasing, leasing or hiring equipment required to deliver eligible project activities
- holding events, and
- other drought relief activities (including water carting for human consumption).

Ineligible expenditure

Examples of ineligible expenditure include:

- payment of salaries for existing staff or contractors, although projects may be carried out by existing workforces
- computer software or hardware that is not an integral part of the funded capital project
- a council's core or business-as-usual operations, which council rates and other government funding usually funds
- purchases of land, buildings, vehicles or mobile capital equipment (e.g. trucks and earthmoving equipment)
- undertaking studies or investigations, or
- the development of private or commercial ventures, including licensed areas of registered clubs.

This list is not exhaustive and applies only to the expenditure of the grant funds. Other costs may be ineligible if it is determined that they do not directly support the achievement of the planned outcomes for the project or are contrary to the objective of the program. Applicants must ensure they have adequate funds to meet the costs of any ineligible expenditure associated with the project.

Project requirements

Each project must meet at least one of the following project requirements:

- 1. The project is expected to lead to the employment of locals.**
 - The extent to which farmers and/or farm labourers/staff/contractors are expected to be employed.
 - How the project is expected to lead to the employment of locals and over what period of time they are expected to be employed.
 - The employment expected to be created beyond the immediate construction phase of the project and into the longer-term.
 - The indirect employment expected to be created through the potential flow-on effects to local businesses, suppliers, and services.
- 2. The project is expected to contribute to the economic activity of communities/regions.**
 - Local businesses, suppliers and services are expected to be used to complete the projects.
 - The project will encourage investment, business activities and other economic benefits to communities/regions.

3. The project is expected to lead to the retention of businesses, services and facilities.

- The benefits that should be delivered as a result of the project, such as increased tourism, increased trade for local businesses, improved services resulting from enhanced facilities.
- The number of people that are expected to benefit from the approved project.

Adverse Event Plans

Eligible Councils must submit an Adverse Event Plan with their final project report. Councils without an Adverse Event Plan already in place can use part of their funding under the program to develop an Adverse Event Plan. Eligible Councils must develop an Adverse Event Plan which meets the needs of their community, and gives consideration to the following:

- natural resource management (i.e. managing water supply, ground cover, trees, erosion, biodiversity)
- economic diversification and community resilience (i.e. infrastructure planning, tourism investment, diversifying local industries, capacity building for local leadership)
- communication and coordination (i.e. how to let people know what's available – now, and in the future; how do you communicate in hard times and for recovery).

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 and Planning Implications

Nil.

Budget and Financial Aspects

Co-funding is not mandatory for any projects nominated for funding under the Drought Communities Programme Extension however applicants must ensure they have adequate funds to meet the costs of any ineligible expenditure associated with the project.

Attachments

Nil.

Recommendation: That Council endorse the outcomes of the Councillor Workshop held on 16 December 2019 to determine the projects to be submitted for funding under the Drought Communities Programme Extension.

Notes:

2. RENEW OUR LIBRARIES CAMPAIGN – PHASE 2

(GM/L20-005)

Executive Summary

The NSW Public Libraries Association has launched Phase 2 of the Renew Our Libraries Campaign and is seeking Council's support.

Report

The NSW Public Libraries Association (NSWPLA), in partnership with Local Government NSW (LGNSW) launched the Renew Our Libraries (ROL) campaign on 1 August 2018. At its meeting held on 18 November 2019 Council formally resolved to endorse the Renew Our Libraries Campaign.

Over 80% of NSW councils formally endorsed the Renew Our Libraries Campaign through council resolutions. The campaign was a spectacular success, delivering an increase of \$60m in state funding for NSW public libraries over the quadrennial period 2019-20 to 2022-23. This is the largest single increase in state funding since the NSW Library Act was introduced in 1939.

The NSW Public Libraries Association has now requested the support of NSW councils in its advocacy to State Government to develop a sustainable funding model for NSW libraries and has launched Renew Our Libraries Phase Two. Phase Two of the campaign focuses on indexing the funding thereby protecting the funding. The specific objectives of Phase Two are:

1. Index the total increased state funding contribution to the Consumer Price Index (CPI) in perpetuity. Without indexation the actual value of state funding for NSW libraries will decline over time, leaving NSW councils to either meet the shortfall or reduce services.
2. Protect the new funding commitment by including all elements of the new state funding model in legislation through the Library Act and/or the Library Regulation. Currently, only the per-capita component of the funding model (increasing from \$1.85 per capita to \$2.85 per capita over the 4-year period 2019-20 to 2022-23) is included in library legislation, leaving 46% of the total funding for NSW libraries at risk.

According to the NSW Public Libraries Association these two simple measures will ensure that NSW councils continue to receive a significantly increased state government contribution to the operation of public libraries across the state, which will be protected by legislation and will not be subject to cost of living attrition over time.

The Association views this as an opportunity to lock in the historic 2019 state funding increase for NSW libraries once and for all, thereby ensuring the future prosperity of the NSW public library network.

Accordingly, it is recommended that Council support the NSW Public Libraries Association by formally endorsing Phase Two of the Renew Our Libraries Campaign to secure a sustainable funding model for NSW public libraries in perpetuity.

Integrated Planning and Reporting Reference

A2 - Our community services and facilities meet the needs of the community.

Legislative Policy and Planning Implications

Lockhart Shire Council is a member of the Riverina Regional Library (RRL).

Budget and Financial Aspects

The significant increase in library funding across the State and for all RRL member Councils was noted at a recent meeting of the RRL Advisory Committee. At the next meeting of the Advisory Committee to be held in March 2020, consideration will be given to local or region wide projects that the increased funding could be spent on. As Lockhart Shire is the only member council without a static library branch the funding may provide an opportunity to enhance the service provided by the mobile library.

Attachments

Nil.

Recommendation: That Council:

- a) Make representation to the local State Member, the Hon Dr Joe McGirr, in relation to the need for a sustainable state funding model for the ongoing provision of public library services,
- b) Write to the Hon. Don Harwin, Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for Consumer Price Index (CPI) indexation of state funding for NSW public libraries, as well as legislation of all elements of the 2019-20 to 2022-23 NSW state funding model,
- c) Endorse the distribution of the NSW Public Libraries Association NSW library sustainable funding advocacy information in Council libraries, as well as involvement in any actions proposed by the Association.

Notes:

3. REQUEST TO REFUND DEVELOPMENT APPLICATION FEE PAID TO COUNCIL (GM/D30-005)

Executive Summary

A request to refund development application fees payable to Council by the Lockhart Showground and Racecourse Management Committee in respect of a new sign to be erected at the front entrance to the Showground is tabled for Council's consideration.

Report

The Lockhart Showground and Racecourse Management Committee is seeking a refund of a Development Application fee of \$110.00 paid in respect of a Development Application lodged for the proposed new sign to be erected at the front entrance to the Showground.

Policy 2.36 – Refund of Fees to Community Organisations - allows certain organisations to apply for refund of development related fees, at the discretion of the General Manager. The types of organisations identified in the Policy include service clubs, Section 355 Committees and community based pre-school kindergartens.

The Lockhart Showground and Racecourse Management Committee is a section 355 Committee and therefore it is recommended that Council agree to the request.

Integrated Planning and Reporting Reference

A1 – Build capacity, capability and partnerships to encourage sustainable community groups and clubs.

Legislative Policy and Planning Implications

Pursuant to Section 356 of the Local Government Act a 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 and Financial Aspects

If Council agrees to the request the refund of the Development Application fee will be met from Council's Section 356 Contributions Budget. An amount of \$52,100 has been allocated in the 2019/20 Budget for this purpose.

Attachments

Nil.

Recommendation: That:

- a) Council agree to refund the Development Application fee of \$110.00 paid by Lockhart Showground and Racecourse Management Committee; and
- b) the cost of refunding the Development Application fee be met from Council's 2019/20 Section 356 Contributions Budget.

Notes:

4. REQUEST FOR DONATION – USE OF THE OLD RAILWAY STATION BUILDING, LOCKHART FOR 2019 HSC EXAMS (GM/D30-005)

Executive Summary

Request to waive hire fee for the use of the old Lockhart Railway Station building for Lockhart Central School HSC exams 2019.

Report

A request has been received from Lockhart Central School to waive the hiring fee for use of the old Railway Station building, Lockhart for the 2019 Higher School Certificate (HSC) exams held over October and November 2019.

Council's Youth Officer conducts events and activities using the Central School's gym and other facilities at no charge to Council. Council has also used the Central School's computer lab for to conduct Council staff training at no cost.

Lockhart Central School has stated its support of Council/Community events, groups and activities within our Shire, and in the interest of a continued school/community partnership, would greatly appreciate Council's favourable consideration of this request.

Integrated Planning and Reporting Reference

- A1 - Facilitate and support our community to deliver vibrant and dynamic community events.
A1 - Provide support and advice to community groups, clubs and volunteers.

Legislative Policy & Planning Implications

Nil.

Budget & Financial Aspects

Donation of Lockhart Railway Station building hire fee of \$900.00 can be covered by Council's budget allocation for Section 356 contributions.

Attachment


1. Letter from Lockhart Central School dated 30 October 2019.

Recommendation: That:

- a) Council waive the hire fee for 2019, to be funded from Section 356 budget allocation
- b) Any future requests to hire Council facilities by Lockhart Central School to conduct the HSC examinations, fees to be waived and funded from the Section 356 contributions budget.

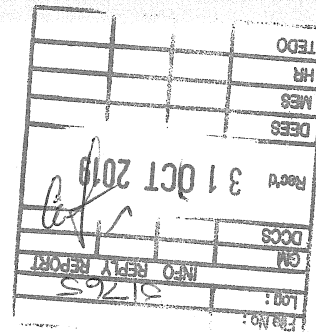
Notes:

Attachment 1. – Letter from Lockhart Central School dated 30 October 2019

Lockhart Central School	Knowing and Caring
	
Phone: 02 69205209 Fax: 02 69205635 P.O. Box 70 Halliday Street, Lockhart, 2656	Email: lockhart-c.school@det.nsw.edu.au Web: www.lockhart-c.school.nsw.edu.au Principal: Ms. Janine Dunne

30/10/2019

To Lockhart Shire Council



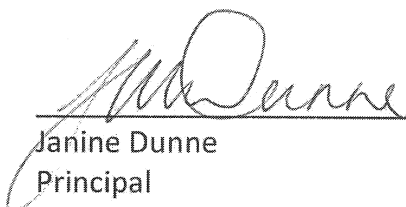
We have received an Invoice for the use of the Railway Building where we held our Year 12 HSC Exams last December.

We are writing to you to ask you to waive this charge as you did the year before.

The school commits to providing facilities for the Council, free of charge, when they are available.

Thank you for your support.

Yours Sincerely



Janine Dunne
Principal

STRATEGIC DIRECTION B: A Dynamic and Prosperous Economy

Nil.

STRATEGIC DIRECTION C: An Environment that is Respected and Protected

5. BIOSECURITY AND ENVIRONMENTAL REPORT

(DEES/N10-025)

Executive Summary

Monthly report on priority weeds and environmental matters.

Report

Weeds

Property Inspections

Inspections were carried out on residential properties, which were selected due to assess the implementation of control measures.

The weeds most commonly found were Bridal creeper (*Asparagus asparagoides*), Horehound (*Marrubium vulgare*), Asparagus weed (*Asparagus* sp.), and Giant reed (*Arundo donax*).

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
0	0	1	0	0	0	2

Control Program

Priority has been given to the control of St John's wort (*Hypericum perforatum*), Silverleaf nightshade (*Solanum elaeagnifolium*) and St Barnaby's thistle (*Centaurea solstitialis*) on roadside reserves.

Paterson's Curse

Through the implementation of the above control program, the substantial return of Paterson's curse (*Echium plantagineum*) within the roadside vegetation has been observed. Various biological controls have been released in the past, being quite effective in the abundance on populations across the state. As with all biological controls, they are the most effective in large populations over large areas and diminishes as the food source (weed) disappears.

The crown weevil (*Mogulones larvatus*) has proven to be the most damaging agent, and has been aided by the root weevil (*Mogulones geographicus*), the flea beetle (*Longitarsus echii*), the flower beetle (*Meligethes planiusculus*), and the stem-boring beetle (*Phytoecia coerulescens*) in providing control.

The plant structure of the Paterson's curse plant has changed since the release of the biological control agents, with current plants having very little crown or stem configuration. The plant may be adapting to the biological controls or responding to moisture stress. Continued lack of precipitation will influence the plant's potential to produce seed. Council's Environmental Officer will continue to monitor this species' population and observe the presence/absence of biological agents within the Shire.

Integrated Planning and Reporting Reference

C2 – Flora and fauna are protected across the Shire.

C2.1 – Increase the amount of native flora, fauna and protect threatened species.

C2.2 – Decreased occurrence, spread and impact of weeds and pests throughout the Shire.

Legislative Policy and Planning Implications

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

Budget and Financial Aspects

Will be conducted within Council's allocated budget.

Attachments

Nil.

Recommendation: That the information in this report be noted.

Notes:

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

6. ENGINEERING REPORT

(A/DEES/T10-005)

Executive Summary

Monthly report on engineering matters.

Background Information

- (a) *Works Report:* Grading and minor gravelling of unsealed roads has continued in accordance with the 12-month programme. Heavy patching on Urana Lockhart Road has been completed. MR59 Urana Road shoulder widening has commenced, work is progressing well with 2.5km of shoulder widening completed. Rocky Point Quarries have completed crushing in Thomo's Mine (The Rock) and have now moved onto Gooden's Mine where they are anticipated to finish late January.

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

The last stage of the HML bridges project is now complete. Roadwork has commenced to upgrade pavement widths and link up the three new culvert structures. It is anticipated that the project will be completed by mid January 2019. All culverts have been delivered for the Flood Detour Road project, installation is well under way and scheduled for completion in February 2020. Minor traffic delays should be expected now that construction has commenced. This will then be followed by causeway replacement of Lockhart The Rock Road and Bullenbong Road, then major culvert replacement on Grubben Road. All culverts have been ordered and deliveries to site have commenced.

- (b) *Flood Mitigation:* Refer to Major Projects update.
- (c) *Road Safety Officer:* The Road Safety Officer is continuing with the safety audit of all 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.
- (d) *Traffic Committee:* Nil to report.
- (e) *Lockhart Local Emergency Management Committee:* Next LEMC meeting is scheduled for February 2020.
- (f) *Fleet:* Orders have been placed for all the plant replacement in accordance with the adopted 2019/20 budget. The last of the new vehicles has been delivered along with the new water tanker. The remaining plant is due to be delivered in early 2020.

Legislative Policy and Planning Implications

Nil.

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

Will be conducted within Council's allocated budget.

Attachment

New 12-month Works Programme (to be handed out separately at the meeting).

Recommendation: That the information be noted.

Notes:

7. MAJOR PROJECTS UPDATE – DECEMBER 2019

(DEES/T10-005)

Executive Summary

Update on Council's current major projects.

Report

Council is currently undertaking a number of major projects and the status of each of these is as follows:

- (a) *Swimming Pools Upgrade:* The Rock pool upgrade works have been completed. The opening was held Saturday 26 October 2019. Reports from pool operator Sally are very positive with good numbers of people attending. The water temperature is 6 degrees warmer than the same time last year.
- (b) *Demolition of Voluntary Purchase Properties:* Council has been successful with its grant application to continue the Voluntary Purchase of properties in Lockhart for the next three years, commencing 1 July 2019. Council has secured another property and have signed contracts for the purchase and settlement has been completed. Demolition works will occur in early 2020.
- (c) *Flood Mitigation Construction-Lockhart:* Council has been successful with the grant application for Stage 2 flood mitigation works in Lockhart, being the drainage system east of the Industrial Park. Council has engaged Mitchell Constructions (NSW) P/L to undertake the project, who has now completed the main drain component of the project. The installation of the new culverts on the Albury Road have been completed. The contractor has also completed the installation of the new culverts on The Rock-Lockhart road. Staff are continuing to work with John Holland Rail regarding finalising the approval for the culverts under the branch line, along with the culverts as part of the Flood Detour Road upgrade. Due to the current time frame the rail culverts are now scheduled to be completed January-February 2020.
- (d) *Flood Mitigation Construction-The Rock:* Council has been notified that the grant application has been approved for Stage 2 flood mitigation works at The Rock, being the drainage works along Nicholas, Yerong and Urana Streets. Council is required to submit a work plan to the funding body, and this is currently being drafted by Council's Project Officer.
- (e) *Playground – The Rock Recreation Ground:* Council has been successful in gaining \$75,000 from the NSW Government's 'Everyone Can Play' grant, with Council also contributing \$75,000 to the project. The playspace has been designed and approved for the grant funding body. The location, set near the netball courts at the existing entrance to the Recreation Ground, has been prepped and levelled, and a new entrance is being constructed to the east as part of the swimming pool upgrade works along Wilson Street. Works are expected to be completed in February 2020.

Council has also been successful in gaining a further \$25,000 funding for the project from the Federal Government's Community Development Grant programme. The funding agreement has been finalised and signed by Council and has now been executed.

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

Nil.

Budget & Financial Aspects

- (i) Pools – total refurbishment costs estimated to be \$4.7M for both pools.
- (ii) VP Demolition – The purchase and demolition of properties over the next three years is anticipated to cost \$930,000 with the NSW Government to fund \$797,000.
- (iii) Flood Mitigation Construction - Funding for Stage 2 at Lockhart is \$741,612 with total project value of \$1,031,662. Stage 2 at The Rock total project value is \$1.0M.
- (iv) Playground at The Rock Recreation Ground budget is \$175,000 with the additional of the \$25,000 from the Federal Government.

Attachments

Nil.

Recommendation: That the information be noted.

Notes:

8. PARKS AND GARDENS REPORT

(DEES/P10-005)

Executive Summary

Monthly report on parks and gardens.

Report

Swimming Pools

Swim season are well underway with swimming lessons, aqua aerobics and school visits. Attendances have been good despite the cool weather with crowds flocking in on the few hot days we've had.

Inclusive Playground, The Rock Recreation Ground

Quotes have been assessed and purchase orders placed for the playground equipment and park furniture. The design is finalised. Site preparation, including the repositioning of the Rec Ground entrance is complete. The next stage will be the footpaths. Installation of the equipment is scheduled for January 2020.

Inclusive playspaces consider as many needs as possible. Playspaces should be welcoming and comfortable, easy to navigate and interesting. They should offer a range of physical challenges, a variety of landscape settings and provide opportunities to connect with others.

Trees

Watering of street trees planted in the last two years has recommenced.

Mowing and Slashing

The summer mowing schedule has begun at Pleasant Hills and Milbrulong. Mowing of all urban areas is planned before Christmas. Extreme weather conditions will be taken into account.

Fortnightly mowing and edging will be scheduled for most irrigated areas during the growth season.

Weed Control

Regular weed control is being conducted on Council property including hand spraying and weeding of gardens.

Parks and Gardens

The focus for both The Rock and Lockhart crews will be to have all parks and public spaces mowed, edged and sprayed/weeded before the Christmas and New Year break.

The Shire’s rose gardens are in full autumn bloom and being deadheaded regularly to promote continue flowering.

Irrigation systems are being checked and adjusted. Running times will be increased as weather warms up.

Routine garden maintenance is being conducted including regular weeding, spraying, pruning and mulching.

General Maintenance

Regular duties include inspections of parks and public facilities to remove litter, clean BBQ’s, check for damage or vandalism, clear footpaths and empty public and roadside bins. Most areas undergo inspections twice per week, including Galore Hill, where crews also clean and check the toilet facilities. Contract cleaners attend to the public toilet facilities in Lockhart, The Rock and Yerong Creek. Playgrounds in the Shire are being inspected regularly as per Australian Standards, with any maintenance being noted and completed as necessary.

Integrated Planning and Reporting Reference

D1 – Infrastructure that facilitates an active community.

Legislative Policy and Planning Implications

Nil.

Budget and Financial Aspects

Will be conducted within Council’s allocated budget.

Attachments

Nil.

Recommendation: That the information be noted.

Notes:

9. DEVELOPMENT APPLICATIONS

(MES/P25-010)

Executive Summary

Monthly report on development applications approved by the Council.

Report

The following development applications were approved, with conditions, from 1 November to 30 November 2019.

DA No	Development	Applicant/Owner	Site of Development
50/19	Construction of service station	Joseph Sgro – The Rock Own P/L	4760 Olympic Hwy, The Rock
18/20	Depot for local school bus	Jeremey Barker	2829 Albury Rd, Urangeline East
19/20	Attached patio to rear of dwelling	Sumloe Pty Ltd	5 Drummond St, Lockhart
20/20	Change of tenancy of building to food & drink premises	Stephen Peters	108 Green St, Lockhart
21/20	Subdivision of land	Corey Beckett	'Allambee West', Pleasant Hills
22/20	Site preparation only & improvement of existing driveway	Ian Kendall	303 Old Trunk Rd, The Rock
24/20	Subdivision of land – boundary adjustment	Clinton Davies	Barton St, Lockhart
CDC25/20	New dwelling	David Whittwell	12 Carson Rd, The Rock

Integrated Planning & Reporting Reference

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

Legislative Policy and Planning Implications

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

Budget and Financial Aspects

Nil.

Attachments

Nil.

Recommendation: That the information be noted.

Notes:

10. DEVELOPMENT APPLICATION 8/20

(MES/P25-010)

Executive Summary

Council has received a development application from Livestock Environmental and Planning (LEAP) for a 1200 sow 'farrow-to-finish' piggery at Lot 1 DP1250489, 591 Dick Knobels Road, Munyabla. The proposal is designated development as the project meets the definition of 'Livestock Intensive Industry' under clause 21 of Part 1 of Schedule 3 of the Environmental Planning and Assessment Regulation 2000 (EPA Regulation 2000). Consequently, an Environmental Impact Statement (EIS) is required to accompany the application. The application is also integrated development, with approval for operation of the piggery required under the Protection of the Environment Operations Act 1997. This application is being reported to Council because of the nature of the development and noting that several objections have been received by Council.

Report

This report provides an assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) of Development Application 8/20 for 'intensive livestock agriculture' (piggery) in Robertsons Lane at Munyabla. The proposal is 'designated development' under the EP&A Act because of the size of the piggery. It is also 'integrated development' because it requires an Environment Protection Licence (EPL) from the NSW Environment Protection Authority (EPA) under the *NSW Protection of the Environment Operations Act 1997* (PEO Act). The EPA have provided their General Terms of Approval (GTA) for inclusion in any development consent granted and through the EPL will become the principal regulatory authority for the piggery.

The applicant for the development is Ms Robyn Tucker of Talona Evermore Pty Ltd, trading as Livestock Environmental and Planning, and the landowner is KBM Farms Pty Ltd. The assessment report has been undertaken by Albury based planning consultants Habitat Planning in conjunction with Lockhart Shire Council as the consent authority.

ADMINISTRATION

As designated development, the notification requirements under both the EP&A Act and Regulation (requiring a minimum of 30 days) have been met. The development application was available for review at Council's offices, on Council's web page and also a copy was provided to the NSW Department of Planning, Industry and Environment (DPIE) for any enquiries fielded at their Queanbeyan regional office.

Details of notification undertaken are summarised in the table below.

Type of Notification	Notification to:	Referral Date	Response date
Written Correspondence	Adjoining land owners and landowners within proximity to the development site	22/08/2019	19/09/2019
Local Newspaper notices	The Daily Advertiser	21/08/2019	19/09/2019
	The Border Mail	21/08/2019	19/09/2019
	Eastern Riverina Chronicle	28/08/2019	19/09/2019
Site Notice	Erected on site	21/08/2019	
Integrated Development referral agencies	NSW Environment Protection Authority (EPA)	19/08/2019	14/10/2019
	Department Primary Industries – Agriculture	21/08/2019	23/09/2019
	Water NSW	20/08/2019	21/08/2019
	Department of Industry – Natural Resources Access Regulator (NRAR)	22/08/2019	1/10/2019

DESCRIPTION OF DEVELOPMENT

The proposed development comprises a maximum 1,200 sow 'farrow to finish' piggery on rural land west of Yerong Creek at Munyabla.

A 'farrow to finish' operation involves the breeding and raising of pigs that are then transported off-site for processing. The development is intended to be undertaken in three stages, progressing from 600 to 900 to 1200 animals. The application states the piggery has a "projected life" of 20 years.

The Environmental Impact Statement (EIS) of the proposal is included as an attachment to this report.

Access to the piggery will be from the east via Semlers Lane and also "possibly" from the south along Dick Knobels Road, both of which are constructed but unsealed (Category 2 Rural Roads, in accordance with Council Policy 2.17 – Local Roads Classification and Maintenance). The piggery will generate up to 11 truck movements per week associated with the transport of pigs and other resources required for the operation such as feed and bedding. These numbers may double at the beginning of each year as compost is removed for the purposes of spreading off-site.

The development will feature a number of buildings including sheds for dry sows, finishing, weaners and farrowing. Other structures include a feed mill site, holding pond, anaerobic pond, compost pad, screw press, biogas shed, staff amenities room, car park, maintenance shed, loading shed and numerous water tanks. The whole of the site will be contained within a 300mm high contour bank.

At full development the piggery will generate the equivalent of eight full-time employees. Operational activities will be generally undertaken between the hours of 7am and 6pm weekdays and 7am to 1pm on weekends.

Liquid waste from the piggery comprised of cleaning water, manure, waste feed and spilt drinking water, will be collected from the sheds via under floor pits. Liquid waste will then pass through a sump, screw press separator, an anaerobic pond and finally a 10 megalitre holding pond. This pond has been designed for a spill frequency of less than 1 in 10 years. The treated waste in the holding pond will then be used in the hard waste composting process or irrigation of cropping land. At Stage 3 of the development it is intended to expand and cover the anaerobic pond to harvest biogas for the purposes of power and heat generation.

Solid waste from the piggery is comprised of used bedding and material derived from the screw press process. This material, in addition to pig carcasses, is to be composted using an aerobic windrow process. Following a 12-week cycle, compost will be spread onto cropping land. From time to time sludge from the ponds will also be removed and applied to cropping land.

Wastes from the piggery are to be applied to farm land around the piggery as well as land surrounding the subject land, and farms at Urana and Yerong Creek also owned by the owners of KBM Farms.

Groundwater will be used as the principal water supply for the piggery and electricity can be sourced from existing infrastructure.

THE SITE & LOCALITY

The site for the piggery is centrally located on a single rectangular shaped parcel of rural land with an area of approximately 45 hectares. It is described as Lot 1 in DP1250489 and addressed as 591 Dick Knobels Road, Munyabla ("the subject land"). It has frontage to Robertsons Lane on two sides and abuts other land parcels on the other two. The subject land is located approximately 15km west of Yerong Creek. Other land in the area is also proposed to be used for the disposal of treated effluent.

The subject land is currently used for extensive agriculture in cropping and grazing, and there is a single dwelling located at the southern end. Topography is classified flat with drainage towards an ephemeral watercourse in Mittagong Creek.

There are no identified areas of confirmed environmental sensitivity within the subject land such as remnant native vegetation, Aboriginal archaeology or post-European settlement heritage. There are also no identified natural hazards on the subject land such as flooding and bushfire.

The area surrounding the subject land is also characterised by cropping and grazing activities and the nearest residence unrelated to the proposal is 1.5 kilometres away.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

For the purpose of determining this development application, the following matters that are of relevance to the development have been taken into consideration pursuant to the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.

Section 4.15(1)(a)(i) - any environmental planning instrument

State Environmental Planning Policies

State Environmental Planning Policy No 44 - Koala Habitat Protection

The subject land is located in a local government area to which SEPP44 applies. SEPP 44 requires the consent authority to be satisfied that the development will not be detrimental to core Koala habitat. No information is provided in the EIS to address the requirements of this SEPP.

The EIS states that there are scattered paddock trees on the subject land comprised of Grey Box and White Cypress Pine. Neither of these species are nominated in SEPP44 as being feed trees for Koalas. In addition, no trees are being removed to accommodate the piggery. Having regard for the circumstances of the subject land, Council can be satisfied it is not potential Koala habitat.

State Environmental Planning Policy 55 - Remediation of Land

SEPP55 requires Council to consider whether land to which a development application relates is potentially contaminated and whether further investigation/remediation is necessary. No information is provided in the EIS to address the requirements of this SEPP.

Despite this, Council can be confident the subject land is not potentially contaminated because of its use since non-indigenous settlement for broad acre agriculture, being an activity unlikely to result in the contamination of land. Consequently, further investigation of the site for potential contamination is not necessary.

Local Environmental Plan

The *Lockhart Local Environmental Plan 2012* (LLEP) is the sole local environmental plan applicable to the application.

Clause 2.3 of the LLEP requires Council as the consent authority to “*have regard to the objectives for development in a zone when determining a development application*”. The subject land is within the RU1 Primary Production Zone (“the RU1 zone”) for which the objectives are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposed development is considered to be generally consistent with these objectives as it is a diversified primary industry for the area that will not impact detrimentally on agricultural land.

The development is best defined in the Dictionary of the LLEP as ‘intensive livestock agriculture’ being:

the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following:

- (a) dairies (restricted),*
- (b) feedlots,*
- (c) pig farms,*
- (d) poultry farms,*

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

Under the LLEP ‘intensive livestock agriculture’ is permissible with consent in the RU1 Zone.

The provisions of *Clause 5.18 Intensive livestock agriculture* apply to development for the purposes of intensive livestock agriculture and is therefore relevant to the application. The clause requires Council to take the following into consideration in deciding whether to grant consent:

- (a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,*
- (b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,*
- (c) the potential for the pollution of surface water and ground water,*
- (d) the potential for the degradation of soils,*
- (e) the measures proposed to mitigate any potential adverse impacts,*
- (f) the suitability of the site in the circumstances,*
- (g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,*
- (h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.*

In proceeding to an assessment of the application, the information provided is deemed to be adequate. Matters (b) through (g) are addressed in consideration of the environmental impacts of the development elsewhere in this report. The view of DPI (Agriculture) is addressed in the section considering the response of referral authorities.

Section 4.15(1)(a)(ii) - any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

Draft State Environmental Planning Policy - Remediation of Land

The Draft SEPP was placed on exhibition until 31 March 2018. The SEPP is intended to replace SEPP55. The Explanation of Intended Effects outlines that the key operation framework of SEPP55 will remain. Changes in the SEPP relate primarily to land undergoing standalone remediation work. Therefore, for a development such as this, little will change between SEPP55 and the Remediation of Land SEPP.

Section 4.15(1)(a)(iii) - any development control plan

The *Lockhart Development Control Plan 2016* (LDCP) is the sole development control plan applicable to the application. Those controls within the LDCP relevant to the proposal include the following:

Erosion and sediment control

This is principally an issue for the construction phase of the development. The matters contained in the checklist for effective erosion control can be addressed through a Soil and Water Management Plan and thus can be conditioned in the consent.

Notification of development applications

The process for notifying development applications detailed in this section of the LDCP has been followed.

Rural development

There are specific controls within this section relating to intensive agriculture. These are:

- *Property owners will need to address the requirements and standards for the storage and use of chemicals.*
- *To reduce environmental impact of certain agricultural activities, an assessment of the capability of the land may need to be undertaken.*
- *Consideration should be given to the sustainability of different soil landscapes across the Shire and the suitability of steep slopes for proposed agricultural activities.*
- *Dwellings should be sited to maintain the continuity, and minimise the disturbance, of agriculturally productive land.*

These matters have been satisfactorily addressed in the EIS. The storage of chemicals will be something addressed in the Environmental Management Plan required for the proposal. The geotechnical assessment accompanying the application demonstrates that the soil conditions at the site are suitable for the proposed development, including the disposal of effluent. The topography of the land is not steep and no additional dwellings are proposed.

Section 4.15(1)(a)(iiia) - any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements attached to the proposal.

Section 4.15(1)(a)(iv) – the regulation

There are no regulations relating to the proposal other than the requirements of the EP&A Regulation relating to the requirements for 'designated development'.

Section 4.15(1)(b) - the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Because the proposal is 'designated development', a detailed Environmental Impact Statement (EIS) is required to accompany the application. The brief for the EIS is set by the Director-General of the then NSW Department of Planning and Environment (DPE). These matters and others considered relevant to the proposal are addressed as follows.

Context and setting

The piggery is a primary industry located within a rural zone in an area characterised as broadacre dryland farming. Intensive agriculture is not something considered to be 'out of place' in this type of environment. The siting of the piggery and the area of the land parcel within which it is situated will result in minimal visual impact within the context of the rural setting. The application proposes to undertake screen landscaping around the perimeter of the subject land. The context and setting for the proposal are therefore considered satisfactory.

Access, transport and traffic

The EIS states that once the piggery is fully completed it will generate up to six truck movements per day (three in and three out). The EIS acknowledges that *“although the total number of truck movements is small, it would represent a significant increase in truck movements along both Dick Knobels Road and Semlers Lane.”* No consideration is given to employee traffic in the EIS but based on the number proposed (eight) there would be an additional sixteen car movements per day.

The applicant explains in the EIS that they expect some road upgrading and maintenance is a possibility and any requirements will be negotiated with council. If road upgrading is needed, the applicant will direct all heavy vehicles down Semlers Lane and avoid Dick Knobels Road as this is the shortest route and therefore the cheapest to upgrade.

Council’s engineer recommends that the applicant, at their own expense, shall be liable for upgrading Semlers Road from Class 2 to Class 1 (with an approximate cost of \$30,000 per kilometre) in between the site and Woodend Fiveways Road, in addition to the costs incurred for any culvert extensions required. Such an upgrade will make Semlers lane wider, providing greater safety for truck movements, while the extra 100mm of gravel will provide a better and longer wearing surface. Given the amount of traffic to be proposed later in the development, this condition would be better enforced from the commencement of Stage 2 of the development, and this would allow the applicant to forecast this expense over a longer period.

Services

Apart from public roads (see above), the only other service infrastructure relevant to the proposal is electricity.

Heritage

The SEARs required the EIS to undertake *“an Aboriginal and non-Aboriginal cultural assessment in accordance with relevant Office of Environment and Heritage guidelines.”* As relevant guideline in this instance is the *Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW* (OEH 2010) in association with the *Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (DECCW 2011). In providing their input to the SEARs, OEH have specifically said that the simpler Due Diligence process *“is not appropriate to use as an assessment here.”* Whilst the EIS has acknowledged these guidelines and states they *“were all used to inform this investigation”* there is some doubt as to whether the processes required have been followed.

The EIS relies upon two sources for an assessment of the impact of the proposal on Aboriginal cultural heritage, both of which involved an inspection of the subject land. The first source is the Wagga Wagga Local Aboriginal Land Council who concluded that:

1. *No Aboriginal objects were identified during the survey for the area, Lot 1 in DP 1211821 and Lot 1 in DP 373967, clear of Aboriginal heritage items.*
2. *That once work commences that further investigations are done.*

The second source is from Bundy Cultural Services and provides a plan indicating the presence of several *“Waradjuri items”* on the subject land. Some of these items are in locations where they will be disturbed during construction of some buildings and infrastructure. This assessment does not seem opposed to the removal of these items other than it should be done in the presence of Aboriginal elders and the items should remain at the site.

There are no impacts to post-European settlement heritage as none exists on the subject land or within close proximity.

Natural hazards

The subject land is not mapped by the NSW Rural Fire Service (RFS) as 'bush fire prone'. However, the development should still have regard for the aims and objectives expressed in Chapter 1 of the RFS *Planning for Bush Fire Protection* guideline. These relate mainly to the provision of defensible spaces to ensure the safety of persons at the site and the maintenance of access for emergency vehicles. This can be required as a condition of consent.

The subject land is not identified by Council's as flood prone. The greatest threat to flooding would be from the drainage line that passes close to the subject land in the north west corner, following a major rainfall event. However, the extent of this threat is not known. Of the two remote properties proposed to be used for the application of waste from the piggery, the one at Urana is acknowledged in the EIS as subject to flooding. The impact of this is considered by the EIS to be satisfactory having regard for the presence of banks and flood frequency of less than one in five years.

Economic

It is considered there will be a net economic benefit to the local communities in vicinity of the subject land. The construction cost of the project represents a significant investment in the region.

The EIS states that once fully completed, the piggery will require eight employees. These persons are most likely to reside in the surrounding area, there will be an economic benefit from the spend of these additional residents. There is also likely to be an economic benefit to local businesses, both during the construction and operational phases of the project.

Social

There will also be a net social benefit to the area through the introduction of additional residents. Any increase in population supports local communities and in particular small ones such as those closer to the site. This includes sporting clubs, schools, pubs and other institutions that facilitate community gathering and interaction.

Waste

Solid wastes from the piggery are generated by the screw press separator, pig carcasses and from time to time sludge from the effluent ponds.

Deceased pigs are to be placed on a pad adjacent to the effluent ponds. Section 13 of the *National Environmental Guidelines for Indoor Piggeries 2018* (NEGIP) details how mortality composting should be undertaken. All water from this pad is to be directed to the effluent ponds. In the event of a mass mortality, regulatory authorities such as the EPA, Lockhart Shire Council and the Department of Primary Industry (Agriculture) will be informed and instruction sought as to the method of disposal. The reasons for any mass mortality will also be investigated. Sludge will accumulate at the bottom of the effluent ponds and is intended to be removed every 10 years. The sludge is to be placed on a pad adjacent to the ponds for drying and then either removed from the site or applied to land on the farm as a soil conditioner.

It will be a requirement for a Solid Waste Management Plan to be prepared and adopted by Council prior to the piggery commencing operation.

Liquid waste from the piggery is generated by the sheds and consists of manure, urine, spilt feed and water. This waste is to be collected and directed to an anaerobic pond and then a holding pond. Like the solid waste, the liquid waste will be applied to the subject land or other remote properties.

It will be a condition of the EPL for the facility that:

- prior to commencing operations, a report must be submitted that all wastewater ponds have been constructed in consultation with a suitably qualified engineer to achieve the required hydraulic conductivity;
- a Wastewater Storage Management Plan be prepared; and
- effluent quality be monitored.

The environmental impact of wastes and the means of mitigating any detrimental impacts is considered to be satisfied by the application.

Flora and fauna

The EIS states no trees need to be removed to accommodate the piggery. Consequently there will be no direct impact on the habitat for native fauna.

The habitat for native species will be enhanced (in time) with the screen planting of native vegetation around the perimeter of the subject land.

Consequently, the environmental impact on flora and fauna and the means of mitigating any detrimental impacts, are considered satisfied by the application.

Surface water

Surface water relates principally to the irrigation of wastewater but also includes overland flows following significant rainfall events. There is potential for a detrimental environmental impact from surface water if it is mismanaged. Consequently, it is appropriate that plans for such management should be prepared to address the possibility.

It will be a condition of the EPA's licence that:

- an Erosion and Sediment Control Plan is prepared and implemented that addresses both the construction and operational phases of the development; and
- prior to commencement of operations, an Irrigation Management Plan be prepared in accordance with *Environmental Guidelines: Use of Effluent by Irrigation*.

Consequently, the environmental impact on surface water and the means of mitigating any detrimental impacts, are considered satisfied by the application.

Groundwater

The EIS makes the following observation in regard to groundwater at the subject land:

Groundwater within the vicinity of the piggery site is mainly found within unconfined fractured rock aquifers, with groundwater moving through fractured basalt or fresh bedrock. A review of a number of bore logs in close proximity to the site suggest that shallow groundwater is unlikely to be present beneath the site and is likely to be protected by thick clay layers in the upper stratum.

In addition, it will be a requirement of the EPA's licence that a Groundwater Monitoring Program for the piggery be prepared, which will involve the ongoing monitoring of groundwater quality.

Consequently, the environmental impact on groundwater and the means of mitigating any detrimental impacts, are considered satisfied by the application.

Air and microclimate

The SEARs required the EIS to undertake “an air quality impact assessment in accordance with relevant Environment Protection Authority guidelines.” The EIS has referenced the *Technical Notes Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (DEC, 2006) and the *National Environmental Guidelines for Indoor Piggeries* to assess the potential odour impacts of the piggery.

The piggery has the potential to have a detrimental impact on air quality as a result of odour and dust. The EIS acknowledges that odour is a very sensitive issue and it is also a common issue raised by objectors to the development.

The EIS undertakes an assessment of the potential air quality impacts using two industry guidelines and concludes it “suggests that odour from the proposed piggery should not cause nuisance.”

The mitigation measures proposed to address odour impacts are stated in the EIS as:

- *fitting dust extractors to the feedmill equipment*
- *smooth surfaces within housing that are easy to clean*
- *selection of feeders that minimise feed wastage*
- *phase feeding with optimal protein to minimise organic matter and nutrients to effluent use of pelleted feed for suckers and weaners and liquid feed for growers and finishers*
- *pull plug effluent pits to minimise effluent production and promotes complete emptying of pits*
- *regular emptying of the effluent pits in series to keep a consistent flow of effluent to the anaerobic pond (necessary to maintain the food supply for the treatment microorganisms*
- *properly sized effluent treatment ponds*
- *covering of the anaerobic pond at stage 3 – this significantly reduces odour generation*
- *using plenty of bedding in the deep litter shelters and replacing this frequently (at least every seven weeks).*
- *composting spent bedding and separated solids*
- *composting mortalities with good cover maintained over the bodies at all times.*
- *low pressure spray irrigation of effluent from a height of less than 2 m above the ground; this minimises aerosol formation and drift.*

In regard to the spreading of compost, the mitigation measures proposed include:

- *spread frequently to minimise the likelihood of large, odour generation events*
- *distributed evenly over the land*
- *applied from mid-morning to mid-afternoon when the air is warming, rather than early in the morning or late in the afternoon when odour may be trapped under cool air*
- *spread close to the ground*
- *not spreading or irrigating when:*
 - *the wind is blowing directly towards a nearby house or public area*
 - *the material (compost) is very dry and dusty and spreading could result in dust being carried to nearby houses or public areas*
 - *there is heavy cloud or rain expected later that day*
 - *close to nearby houses or public areas.*

In addition, it is the intention of the piggery to inform neighbours prior to undertaking an activity that has the potential to create odour (e.g. de-sludging on ponds) as well as communicating with any complainant following receipt of a complaint about odour. These safeguards will also be reflected in the EPA licence.

It is noted that it will be a condition of the EPA licence that “*the licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises*” and that “*in the event of a verified offensive odour complaint a comprehensive odour audit by a suitably qualified professional is to be completed.*” It will also be a condition of the licence that “*the premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.*” This provides a safeguard against a detrimental impact and a means of rectification under the *NSW Protection of the Environment Operations Act 1997* (PEO Act).

Consequently, the environmental impact of the piggery on air quality and the means of mitigating any detrimental impacts, are considered satisfied by the application.

Soils

An assessment of soils was undertaken by McMahon Earth Sciences as part of the EIS, concluding:

The sodosols consisted of soils with a darker moderately deep, friable clay loam organic surface layer underlain by a harder clayey, structured subsurface horizon that is not strongly acidic but is sodic. Like the chromosols, these soils were non-cracking, well-drained and aerated. While the topsoil was non-dispersive, the subsoils were low in organic matter and dispersion testing suggested that they could be sodic. Nevertheless, the favourable physical properties of the soils make them suitable for reuse of compost.

The mitigation measures proposed to address soil impacts are stated in the EIS as:

- *Nutrients will be applied at rates that are matched by removal rates through crop harvest.*
- *Annual soil monitoring of topsoil and subsoil will detect any issues with nutrient imbalances or excesses and subsoil sodicity.*
- *Nutrient surpluses will be addressed by adjusting future reuse rates or crops.*
- *Nutrient imbalances will be corrected through fertiliser or amendment additions.*

The EPA will also require as a condition of its licence that soil quality is monitored on an ongoing basis.

Consequently, the environmental impact of the piggery on soils and the means of mitigating any detrimental impacts, are considered satisfied by the application.

Animal welfare

The principal reference for piggeries is the *National Environmental Guidelines for Indoor Piggeries 2018* (NEGIP). The NEGIP adopts the recommended animal housing provisions of the *Model Code of Practice for the Welfare of Animals Pigs (Primary Industries Standing Committee) 2008* (“the Code”).

The Code contains standards for:

- Stockperson competence.
- Food and water provision.
- Accommodation and facility requirements.
- Husbandry practices.
- Emergency humane destruction (on-farm euthanasia).

Having no expertise in the operation of piggeries, Council as the consent authority must rely on the advice of agencies and references that can express a qualified opinion on the responsible management of piggeries, including the welfare of animals. For a recent similar piggery application at Matong, DPI (Agriculture) as the independent State authority on agriculture, did not object to the proposal and advised that:

The Prevention of Cruelty to Animals Act 1979 (POCTA) and its supporting Regulation and Codes and Standards set out the required animal welfare standards in NSW. All farm animals are protected by POCTA, including pigs. The objectives of POCTA are to prevent cruelty to animals, and to promote the welfare of animals by requiring a person in charge of the animal to provide care for the animal, treat the animal in a humane manner, and ensure the welfare of the animal. In NSW the Model Code of Practice for the Welfare of Animals – Pigs is a mandatory code under POCTA. It is illegal to keep a sow in a farrowing crate for more than six weeks during lactation or a dry sow stall for more than six weeks during gestation. PIC has stated they currently comply with these laws and the proposed operation will also comply with these laws. They have updated their plans to support this intention.

Poor animal welfare is more likely to be a product of poor management and this is not something that an assessment of a development application can contemplate (i.e. it must be assumed that the applicant will abide by the information provided in the development application). The means of ensuring that a development will proceed into the future in accordance with what was said and submitted in a development application, are conditions. In this case the development application is recommended for approval with conditions that will bind the piggery operator to codes and practices that ensure the welfare of the pigs. There are potentially significant consequences for the operator if it fails to comply with the conditions of consent.

Consequently, the impact of the piggery on animal welfare and the means of mitigating any detrimental impacts, are considered satisfied by the application.

Noise

The SEARs required the EIS to undertake “a noise and vibration assessment in accordance with relevant Environment Protection Authority guidelines.” In this case the relevant guideline is the EPA’s Noise Policy for Industry (2017). The EIS also references the NSW Road Noise Policy to address the potential impact from truck noise.

The EIS concludes “the suitable separation distance to neighbours mean that noise from the piggery complex is expected to be inaudible at the closest houses, and create no more impact than other farming operations in the area.” Likewise, the noise from trucks is also likely to be well below the limit expressed in the guideline. This conclusion is not unreasonable having regard for the low number of truck movements and the distance from the piggery to unrelated houses.

The mitigation measures proposed to address noise impacts are stated in the EIS as:

- *Truck movements to be limited to daylight hours whenever practical.*
- *All machinery to fitted with mufflers.*

The EPA will also require as a condition of its licence that “should a verified noise complaint be made; the licensee must complete a noise assessment at the premises to establish the appropriate project specific noise for the operation and to determine compliance with these criteria”.

Consequently, the environmental impact of noise from the piggery and the means of mitigating any detrimental impacts, are considered satisfied by the application.

The principles of Ecologically Sustainable Development

Australia’s *National Strategy for Ecologically Sustainable Development* (1992) defines ecologically sustainable development (ESD) as: “using, conserving and enhancing the community’s resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased”. The NSW Environmental Defenders Office (EDO) defines application of the ‘precautionary principle’ within the context of ESD as:

If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. Public and private decisions should be guided by careful evaluation to avoid serious or irreversible damage to the environment wherever practicable, and an assessment of the risk-weighted consequences of various options.

In regard to the proposed piggery, it is considered the information provided with the application adequately demonstrates that it will not cause “serious or irreversible environmental damage” to ecological processes (i.e. the environment). Consequently, it is considered satisfactory in terms of ESD.

Section 4.15(1)(c) – The suitability of the site for the development

The piggery is a primary industry located within a rural zone in an area characterised as broadacre dryland farming. It is on flat land and not sited in close proximity of an urban area, unrelated rural dwellings, remnant native vegetation, watercourses or flood or bush fire prone land. Whilst it would be preferable for the site to have frontage to a sealed road, on balance it is considered well suited to the establishment of a piggery.

Section 4.15(1)(d) - any submissions made in accordance with this Act or the Regulations

The application was advertised and notified to relevant local and state agencies in accordance with the regulatory requirements. This includes public advertising and direct written notification to relevant Government agencies and all adjoining landowners.

Agency submissions

Natural Resources Access Regulator (NRAR)

Has no objection and advises that a Controlled Activity Approval (CAA) is not required for the development as it is not a 'controlled activity'.

WaterNSW

Has no objection and advises on the use of the existing bore.

NSW Department of Primary Industries

The only comment DPI Agriculture made with regard the proposal is the farrowing accommodation for individual sows. While other operational issues are described in detail, the material supplied does not elaborate on whether there will be conventional farrow crates or other options that allow for greater freedom. The Pork industry and NSW Government are aiming for 'sow stall free' developments.

NSW Environment Protection Authority

In addition to the application, the EPA has reviewed all submissions on the application and subsequently provided its General Terms of Approval (GTA) for the development. The conditions expressed in the GTA will be included in the development consent and the future Environment Protection License (EPL) to be issued by the EPA.

Public submissions

Submissions to the exhibition and notification of the application can be summarised as follows:

- Six written submissions in support
- A petition containing 52 signatories in support
- Seven written submissions objecting.

The issues raised in submissions can be summarised as follows:

Support

- Will be beneficial to the wider community.
- Will create employment.
- Attract new families to the area.
- Economic and social benefit.
- Opportunities for local farmers to provide grain and fodder.
- Benefits of by-products for other farmers.

Object

- Increase in traffic causing more dust.
- Impact on groundwater supply and quality.
- Odour.
- De-value land.
- Use other land.
- Detrimental impact on rural landscape.
- Site is subject to flooding leading to contamination by effluent.
- Existing bore will be inadequate as a water source.

This response in conjunction with the information provided in the EIS, the responses from government agencies and the assessment of the application against the provisions of section 4.15 of the EP&A Act, satisfactorily address those issues relevant to the development application.

Section 4.15(1)(e) - the public interest

Firstly, it is important to note that a large number of submissions does not necessarily equate with 'public interest' within the context of considering Section 4.15 of the EP&A Act (*Double Bay Marina v Woollahra Council [2009] NSWLEC 1001*). This judgment describes how the 'public' is an amorphous term that can refer to a small/large number of people over a small/large area. In this instance, the 'public' (by any definition) is neither advantaged or disadvantaged by the proposal to the extent that the issue should carry significant weight amongst the matters for consideration under Section 4.15.

Other legislative requirements

As no native trees are to be removed at the site of the piggery no consideration of the *Biodiversity Conservation Act 2016* is required.

The assessment of Aboriginal cultural heritage satisfies the requirements of the *National Parks and Wildlife Act 1974*.

As the subject land is not mapped as containing vegetation that is bush fire prone, no consideration needs to be made of the risk under the *Rural Fires Act 1997*.

Comments by Council's officers

The EIS and supporting information demonstrates reasonable buffer distances between the piggery, neighbouring dwellings and existing villages, and traffic impacts associated with the development are not expected to be excessive.

The proposal represents a change in land use for the subject site from the existing broad scale agriculture use to an intensive livestock agricultural use. However, such uses are not unexpected in rural areas and there are many other examples of similar uses such as piggeries and feedlots that already exist in neighbouring shires.

The applicant has chosen a site that has benefits in proximity to their existing agricultural operation, in addition to the flat topography, separation from noise and odour sensitive land uses, suitable cleared land, and suitable road infrastructure access.

The site is sufficiently separated from major population areas. However, as is the case with most developments, there will remain some residents living in proximity to the development site. The applicant has provided detailed odour and noise modelling studies to demonstrate that adverse environmental impacts resulting from operations of the proposed development will be within acceptable levels.

The developer seeks to mitigate the potential adverse impacts of the development through maintaining native vegetation to protect the rural views of the closest residents.

The provision of a piggery in the Lockhart Shire provides additional economic benefits of a diversifying economy.

Development Contributions - Section 7.11/7.12 & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

s7.12 Contributions

Section 7.12 (formerly section 94A) of the EP&A Act and the *Lockhart Shire Development Contributions Plan 2015* enables Council to levy developer contributions. As the cost of development exceeds \$200,000, a Section 7.12 contribution of 1.0% of the development cost is payable. No contributions have been previously paid on the land.

The calculation is as follows:

\$8,645,600 x 1% = \$86,456.

Other approvals

The piggery will also require approval under the NSW *Protection of the Environment Operations Act 1997* (POEO Act) as it qualifies as 'scheduled premises'. The General Terms of Approval provided by the EPA as part of the development consent will form the conditions on any Environmental Protection Licence issued by the EPA for the piggery.

Conclusion

The development application is for 'intensive livestock agriculture' comprised of a 1,200 sow 'farrow to finish' piggery in Robertsons Lane at Munyabla approximately 15 kilometres west of Yerong Creek. The proposal is both 'designated' and 'integrated' development and as is required by the *Environmental Planning and Assessment Regulation 2000*, the application is accompanied by an EIS and addresses the Department of Planning Secretary's Environmental Assessment Requirements (SEAR's). The EPA is also required to provide its General Terms of Approval (GTA's) if it supports the application.

The application has been referred to relevant government agencies and publicly exhibited in accordance with the requirements for designated development. The application attracted submissions from the surrounding area both supporting and objecting to the proposal. No objections were received from government agencies.

The application has been assessed against the requirements of Section 4.15 of the EP&A Act, that sets out the matters a consent authority (in this case Lockhart Shire Council) must consider development applications against. In particular, consideration has been given to the environmental impacts of the piggery and the proposed means of mitigating any detrimental impacts.

Having made that assessment in this report, it is concluded there are no justifiable grounds for refusing the application. Consequently, the application is recommended for approval subject to conditions imposed under Section 4.17 of the EP&A Act.

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

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

Budget & Financial Aspects

Nil.

Attachments

Environmental Impact Statement – 104 EIS Final, by LEAP-Livestock Environmental and Planning, dated 31 July 2019 attached as separate documents.

Recommendation: That Council approve the application for development consent 8/20 for the establishment of a 1200 sow farrow-to-finish piggery, located at Lot 1 DP1250489, 591 Dick Knobels Road, Munyabla NSW, subject to the following conditions:

1. **COMPLIANCE WITH PLANS AND CONDITIONS**

The development shall take place in accordance with the approved Environmental Impact Statement – 104 EIS Final, by Livestock Environmental and Planning, dated 31 July 2019, and accompanying information, except as modified in by Council and/or any conditions of this consent.

2. OPERATIONAL COMPLIANCE (NATIONAL ENVIRONMENTAL GUIDELINE)
All operations associated with the development shall maintain ongoing compliance with the National Environmental Guidelines for Indoor Piggeries 2018.
3. OPERATIONAL COMPLIANCE (NATIONAL ENVIRONMENTAL GUIDELINE)
All operations associated with the development shall maintain (at minimum) ongoing compliance with the Model Code of Practice for the Welfare of Animals Pigs (Primary Industries Standing Committee) 2008.
4. HEAVY VEHICLE MOVEMENTS
All heavy vehicle traffic movements to and from the site shall be via Semlers Lane only.
5. PRESERVATION OF ROAD CONDITION
At the commencement of Stage 2 of the development, as detailed in the EIS, the applicant (at their own expense) shall upgrade Semlers Road from Gravel Class 2 to Class 1 (as defined by Council Policy 2.17 Local Roads Classification & Maintenance) between the subject site and Woodend Fiveways Road, in addition to any applicable costs incurred for all culvert extensions required by Council, and to Council's satisfaction.
6. ADVERTISING – DA (PRIOR TO ANY WORK ON SITE)
No advertising signage is approved as part of this consent. No signs or advertising material (other than those classed as exempt development, or that approved as part of this consent) shall be erected on or in conjunction with the proposed occupation of the site without a subsequent application being approved by Council.
7. PLANNING FOR BUSHFIRE PROTECTION
The development shall maintain compliance with the aims and objectives expressed in Chapter 1 of the of the NSW RFS document Planning for Bush Fire Protection 2006.
8. SECTION 94A LEVY DEVELOPMENT CONTRIBUTIONS
Prior to the issue of a construction certificate, a receipt for the payment to Lockhart Shire Council of Section 94A Levy Contributions shall be submitted to the Certifying Authority.

The Section 94A Levy is calculated at 1% of the cost of development, as determined at the date of this consent. The total contribution to be paid has been calculated at \$86,456.

NOTE: This amount may change if there is a delay with payment of the levy, as the cost of works is to be indexed before payment to reflect quarterly variations in the Consumer Price Index (CPI).
9. CONSTRUCTION CERTIFICATE
No works may commence on the site prior to the issue of a construction certificate by a Certifying Authority. The Certifying Authority can be either Lockhart Shire Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.
10. WASTE MANAGEMENT
A waste management plan for the work must be submitted to the principal certifying authority at least 2 days before work commences on the site. The waste management plan must:
 - (a) identify all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site, and
 - (b) identify the quantity of waste material in tonnes and cubic metres to be:
 - i) reused on-site, and
 - ii) recycled on-site and off-site, and
 - iii) disposed of off-site, and
 - (c) if waste materials are to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site, and
 - (d) if waste materials are to be disposed of or recycled off-site—specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.

11. **BIOSECURITY**
Prior to commencement of piggery operations, the applicant shall prepare and adopt a Biosecurity Plan in accordance with the National Farm Biosecurity Manual for Pork Production template.
12. **ENVIRONMENTAL MANAGEMENT PLAN (EMP)**
Prior to commencement of piggery operations, the applicant shall prepare and adopt an updated Environmental Management Plan (EMP) in accordance with the requirements of Chapter 17 of the National Environmental Guidelines for Indoor Piggeries 2018.
13. **EROSION AND SEDIMENT CONTROL**
Prior the issue of any construction certificate, the applicant shall prepare and provide Council with an Erosion and Sediment Control Plan to address both the construction and operational phases of the development. The Plan should address the controls for erosion expressed in the Lockhart Development Control Plan 2016.
14. **WATER NSW CONDITIONS**
 - a. Prior to commencement, the applicant shall lodge an application to amend the current bore approval (Ref: 40WA417210) to change the use to industrial purpose.
 - b. The applicant is required to purchase water from a current shareholder in order to use the bore for a commercial purpose.
 - c. The application process will include referral to a Hydrogeologist which will set an extraction limit for the bore. There is no guarantee that the extraction limit that is set by the Hydrogeologist will meet the requirements of the proposed development.
 - d. Water from the current bore must not be used to supply the piggery unless the appropriate approval has been granted.
15. **ENVIRONMENT PROTECTION AGENCY GENERAL TERMS OF APPROVAL**

A - Mandatory Conditions for all EPA licences

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA8/20 and accompanying information submitted to Lockhart Shire Council.
- the environmental impact statement dated 31 July 2019 relating to the development.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the *Protection of the Environment Operations Act 1997*, having regard to the matters in section 83 of that Act.

Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

P1.1 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or setting of limits for any application of solids or liquids to the utilisation area.

P1.2 The following points referred to in the table are identified in the licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

EPA Identification no.	Type of Monitoring Point	Type of Discharge point	Location Description
1	Discharge to utilisation area Effluent quality monitoring Discharge volume monitoring	Discharge to utilisation area Effluent quality monitoring	Discharge to utilisation area from the final holding pond – exact location to be negotiated with EPA
2	Discharge to utilisation area Solids quality monitoring	Discharge to utilisation area Solids quality monitoring	Compost and sludge applied to utilisation area – location to be negotiated with the EPA
3	Effluent and solids utilisation area Soil quality monitoring	Effluent and solids utilisation area Soil quality monitoring	Surface and subsurface monitoring locations at the properties 'Munyabla Farm', 'Urana Farm' and 'Yerong Creek Farm', locations and number of monitoring points to be negotiated with the EPA
Point(s) 5 - 9	Groundwater quality monitoring	Groundwater quality monitoring	Six piezometers* - exact locations to be negotiated with the EPA

*A minimum of six piezometers around the composting infrastructure and on the periphery of the piggery site at locations to be negotiated with the EPA.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with Section 120 of the *Protection of the Environment Operations Act 1997*.

L2. Potentially offensive odour

L2.1 The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises.

L2.2 In the event of a verified offensive odour complaint a comprehensive odour audit by a suitably qualified professional is to be completed to confirm compliance with section 129 of the *Protection of the Environment Operations Act 1997*. The scope and timing of the audit is to be acceptable to the NSW EPA.

The licensee must submit a copy of the odour audit findings to the EPA via electronic mail to riverina.farwest@epa.nsw.gov.au within seven days of receiving the report, as well as a description of mitigation measures that will be implemented to mitigate and prevent offensive odour impacts from occurring.

L3. Noise Assessment

L3.1 Should a verified noise complaint be made; the licensee must complete a noise assessment at the premises to establish appropriate project specific noise criteria for the operation and to determine compliance with these criteria. The assessment shall be prepared by a suitably qualified and experienced acoustical practitioner and shall be undertaken in accordance with the *NSW Noise Policy for Industry (2017)*.

L3.2 The license must ensure that all feasible and reasonable noise and vibration mitigation and management measures are implemented during construction work authorised by this licence, in accordance with the *Interim Construction Noise Guideline* (OEH, 2009).

L4. Hours of operation

L4.1 All construction work at the premises must only be conducted on Monday to Friday between 7am and 6pm and Saturday from 8am to 1pm, excluding Sundays and public holidays.

L4.2 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L5.1, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L4.3 The hours of operation specified in conditions L4.1 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

L5. Livestock Limits

L5.1 The number of breeding sows permitted to be held in the piggery must not exceed the following for each stage:

- Stage 1 – 600 sows farrow to finish
- Stage 2 – 900 sows farrow to finish
- Stage 3 – 1200 sows farrow to finish.

L5.2 At least 30 days prior to the commencement of works for Stages 2 and 3, the proponent must notify the EPA, in writing, at riverina.farwest@epa.nsw.gov.au of the intent to commence works for these stages.

Operating conditions

O1. Dust

O1.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

O2. Stormwater/sediment control

O2.1 An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction*.

O3. Wastewater Ponds

O3.1 Prior to the commencement of operations, the licensee must submit a report to the EPA at riverina.farwest@epa.nsw.gov.au that demonstrates that the anaerobic and holding ponds approved under DA8/20 have been constructed in consultation with a suitably qualified engineer to achieve a hydraulic conductivity equal to or less than 1×10^{-9} metres per second.

O4. Effluent Application to Land

O4.1 Effluent application must not occur in a manner that causes surface runoff.

O4.2 Spray from effluent application must not drift beyond the boundary of the premises.

O4.3 The licensee must retain the utilisation area.

O4.4 The quantity of effluent applied to the utilisation area must not exceed the capacity of the area to effectively utilise the effluent/solids.

O4.5 No irrigation, application or storage of wastewater must be undertaken within 50 metres of any watercourse, or on any other area except for the defined utilisation area.

O5. Irrigation Management Plan

O5.1 Prior to commencement of operations, the licensee must submit an Irrigation and Solid Waste Management Plan, prepared in accordance with the Environmental Guidelines: Use of Effluent by Irrigation (DEC,2004) to the EPA at riverina.farwest@epa.nsw.gov.au.

The Irrigation and Solid Waste Management Plan must include, but is not limited to, the following:

- The location and design of tailwater and stormwater runoff controls for the effluent utilisation area;
- The location of proposed soil quality monitoring including surface and subsurface monitoring, including a map showing these locations;
- Details of the proposed cropping regimes; and
- Details of the proposed management actions to minimise the potential for offsite odours impacts.

O6. Solid Waste Management

O6.1 The solid waste storage area must be constructed of an impermeable hardstand surface and must be designed to capture any stormwater runoff from the solid waste storage area.

O6.2 If solids are removed from the premises, the licensee must record:

- a) The date of removing the solids;
- b) The estimated weight of the solids removed; and
- c) The identity of the persons removing the solids.

O7. Process and Management

O7.1 The holding pond must be maintained to ensure that sedimentation does not reduce its capacity by more than 20% of the design capacity.

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by this or any load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

M2.2 Water and/or Land Monitoring Requirements

Point 1 Effluent Quality Monitoring

Pollutant	Units of Measure	Frequency	Sampling Method
Ammonium-Nitrogen	Milligrams per litre	Yearly	Representative sample
Electrical Conductivity	Microsiemens per centimetre	Yearly	Representative sample
Chloride	Milligrams per litre	Yearly	Representative sample
Nitrogen (total)	Milligrams per litre	Yearly	Representative sample
Nitrate-nitrogen	Milligrams per litre	Yearly	Representative sample
pH	pH	Yearly	Probe
Phosphorus (total)	Milligrams per litre	Yearly	Representative sample
Potassium	Milligrams per litre	Yearly	Representative sample
Sodium Adsorption Ratio	SAR	Yearly	Representative sample

Point 2 Sludge and Compost Quality Monitoring

Pollutant	Units of Measure	Frequency	Sampling Method
Ammonium-Nitrogen	Milligrams per litre	Yearly	Representative sample
Electrical Conductivity	Microsiemens per centimetre	Yearly	Representative sample
Chloride	Milligrams per kilogram	Yearly	Representative sample
Nitrogen (total)	Milligrams per kilogram	Yearly	Representative sample
Nitrate-nitrogen	Milligrams per kilogram	Yearly	Representative sample
Ortho-phosphorus	Milligrams per kilogram	Yearly	Representative sample
Organic carbon	Milligrams per kilogram	Yearly	Representative sample
pH	pH	Yearly	Probe
Phosphorus (total)	Milligrams per kilogram	Yearly	Representative sample
Potassium	Milligrams per kilogram	Yearly	Representative sample

Point 3 Soil Quality Monitoring

Pollutant	Units of Measure	Frequency	Sampling Method
Colwell phosphorus	Milligrams per kilogram	Yearly	Composite sample
Cation Exchange Capacity	Milliequivalents	Yearly	Composite sample
Chloride	Milligrams per kilogram	Yearly	Composite sample
Electrical Conductivity	Microsiemens per centimetre	Yearly	Composite sample
Exchangeable calcium	Milliequivalents	Yearly	Composite sample
Exchangeable magnesium	Milliequivalents	Yearly	Composite sample
Exchangeable potassium	Milliequivalents	Yearly	Composite sample
Exchangeable sodium	Milliequivalents	Yearly	Composite sample
Nitrate-Nitrogen	Milligrams per kilogram	Yearly	Composite sample
Organic carbon	Percent	Yearly	Composite sample
pH	pH	Yearly	Composite sample
Phosphorus buffering index	Milligrams per kilogram	Yearly	Composite sample
Phosphorus sorption capacity	Milligrams per kilogram	Yearly	Composite sample
Potassium	Milligrams per kilogram	Yearly	Composite sample
Sulfur	Milligrams per kilogram	Yearly	Composite sample

Points 5-9 Groundwater Quality Monitoring

Pollutant	Units of Measure	Frequency	Sampling Method
Electrical Conductivity	Microsiemens per centimetre	Every six months	Representative sample
pH	pH	Every six months	Representative sample
Phosphorus	Milligrams per litre	Every six months	Representative sample
Potassium	Milligrams per litre	Every six months	Representative sample
Nitrogen (total)	Milligrams per litre	Every six months	Representative sample
Nitrogen (ammonia)	Milligrams per litre	Every six months	Representative sample
Nitrogen (nitrate)	Milligrams per litre	Every six months	Representative sample
Nitrogen (nitrite)	Milligrams per litre	Every six months	Representative sample
Standing Water Level	metres below ground level and mAHD (Australian Height Datum)	Quarterly	Inspection/measurement

M3. Requirement to monitor volume or mass

M3.1 For each discharge point or utilisation area specified below, the applicant must monitor: the volume of liquids discharged to water or applied to the area;

- over the interval, at the frequency and using the method and units of measure, specified below:

Point	Frequency	Units of Measure	Sampling Method
1	Daily	Litres	Flow monitoring by method approved in writing by the EPA

M4. Weather Monitoring

M4.1 Prior to the commencement of Stage 3 operations, the licensee must establish a permanent meteorological monitoring station complying with the Approved Methods of Sampling and Analysis and the Australian Standard AS2923-1987, at the premises.

Note: If verified odour complaints are received the EPA may amend this condition to require a meteorological monitoring station be installed at any stage of operation of the premises.

The location of the site chosen for the station and details of equipment, measurement and maintenance/service procedures and schedules to be installed and maintained must be submitted in writing to the EPA for approval.

The meteorological monitoring station must be calibrated at least once every 12 months.

The EPA is to be provided with the data from the meteorological monitoring station on request in a Microsoft Office Software compatible format.

The meteorological monitoring station must monitor the following parameters:

Parameter	Units of measure	Elevation above ground level	Frequency	Sampling
Wind speed	Metres/second	10 metres	Continuous	AM-2 & AM-4
Wind direction	Degrees	10 metres	Continuous	AM-2 & AM-4
Sigma Theta	Degrees	10 metres	Continuous	AM-2 & AM-4
Temperature	Degrees Celsius	2 metres	Continuous	AM-4
Temperature	Degrees Celsius	10 metres	Continuous	AM-4
Solar Radiation	Watt per square metre	10 metres	Continuous	AM-4
Rainfall	millimetres	Not applicable	Continuous	AM-4

Reporting Conditions

R1 Annual System Performance Report

R1.1 A written nutrient and salinity balance report which summarises the previous year's operations and long-term trends must be submitted with the Annual Return. The report must include:

- A description of the size and condition of the effluent utilisation areas, including an assessment of any changes to soil or vegetation condition;
- Graphical presentation for all parameters required to be monitoring for by the licence and a discussion of historical trends in sampling data for each utilisation area, including an assessment of the performance of the scheme with respect to any identified sustainability indicators;
- A hydraulic balance for the volume of the effluent applied to each utilisation area;
- Mass balances for salts and nutrients (nitrogen and phosphorus) for each utilisation area, using the monitoring data on the loads of effluent and solids (including fertilisers) applied to each area, as well as information on crop yield, nutrient uptake and nutrient removal from the utilisation area.
- An assessment of identified areas where impacts are evident and a strategy on how these impacts will be addressed and managed;
- Recommendations for future actions in relation to monitoring and/or management, taking into account any identified trends in monitoring data and results, so as to achieve a sustainable effluent management system;
- For each discrete utilisation area, sampling and analysis of the surface (0-10 centimetres), subsurface (13-30 centimetres) and base of the root zone (10-30 centimetres) soils must be undertaken using a minimum of 5 composite samples for surface, subsurface and base of the root zone soils.
- The location of the soil sampling sites and original soil analysis report.

The licensee must ensure that the above monitoring is undertaken by a person or organisation with qualifications and experience in soil science and water quality who are able to provide specialised advice on the impacts of current effluent irrigation practices and on future sustainable management of utilisation areas.

Special Conditions

E1 Biogas Capture

E1.1 Prior to the commencement of Stage 3 operations, the licensee must submit to the EPA at riverina.farwest@epa.nsw.gov.au for approval a report detailing the proposed biogas production and use system. The report must contain, but is not limited to, the following information:

- Details of the proposed system to be implemented at the premises;
- Details of potential discharges from the system, including parameters and expected concentrations;
- Details of the proposed flare design, its expected usage rate, destruction efficiency, residence time and controls to be implemented;

- Demonstration that any air emissions from the proposal meet the requirements set out in Schedule 4 of the Protection of the Environment Operations (Clean Air) Regulations 2010;
- Details of waste expected to be produced from the plant, its classification and proposed disposal methods;
- Proposed maintenance and management schedules for the plant and anaerobic pond, and
- Details of mitigations measures to be implemented to control odours and noise from the system.

B - Mandatory Conditions for all EPA licences

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. must be maintained in a proper and efficient condition; and
- b. must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term “reporting period” is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Where this licence is transferred from the licensee to a new licensee,

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the ‘due date’).

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified, and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA’s Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or
 - b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
- and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

Notes:

11. COMPLIANCE OFFICER POSITION

(MES/S30-005)

Executive Summary

An amendment to the position of Compliance Officer within Council's organisational structure is presented for Council's consideration.

Report

At the March 2019 ordinary meeting, Council endorsed the position of 'Compliance Officer' to become a permanent position within the staffing structure, following a fixed term (2 year) transition period commencing from October 2017. The position has proved very successful and provides significant support to Council and the Environmental Services team, ensuring improved quality of service to the public and overall improved compliance with regulatory obligations.

Since starting in October 2017, the position of Compliance Officer has:

- Undertaken 693 companion animal checks done on individual properties in Lockhart, The Rock and surrounding villages;
- Spent hundreds of hours performing data cleansing on the NSW Companion Animal Register for records in the Lockhart Shire;
- Inspected 47 fire hazard/overgrown properties, and with letters sent to owners;
- Issued 8 Notices of Intent to issue an order under Local Government Act 1993 requiring hazard reduction works for overgrown properties;
- Issued 4 Orders under Local Government Act 1993 requiring hazard reduction works for overgrown properties;

- Sent several hundred letters requiring companion animals to be microchipped and registered;
- Received and investigated 64 formal (registered) complaints from residents regarding companion animals, not including anonymous and informal complaints;
- Microchipped 75 companion animals;
- Impounded 90 cats and/or dogs;
- Registered 224 new companion animals;
- Investigated 8 dog attacks, and reported to Office of Local Government;
- Removed 23 car bodies through volunteer collection;
- Removed 12 abandoned vehicles from public places;
- Issued infringements to a total value of \$6,690 for various offences.

Furthermore, swimming pool compliance inspections form a component of the Compliance Officer's role, and they are currently being conducted under the supervision of Council's Manager Environmental Services. To date, approximately 145 private swimming pools of the 165 registered have been inspected for compliance in conjunction with Council's Manager Environmental Services. All swimming pools have to be inspected for compliance once every three years, with the second round of inspections to re-commence in 2020.

So far, 220 inspections of on-site sewerage management systems have been undertaken within the shire. Council's records indicate that there are over 650 systems in the shire, and these must be inspected every five years. Many properties in the village of Yerong Creek have failing systems which require decommissioning and connection to Council's sewer system, and this is expected to be a lengthy process.

In addition to these activities, the Compliance Officer has been called upon to undertake many other roles, including call outs, investigation of attacks from companion animals, upgrades to the Lockhart impounding facilities, trapping and disposal of feral cats from landfill sites and public reserves, providing statements for and responding to Police requests, control of roaming stock, and many more.

The position has been assessed as Grade 9 on Council's salary structure and is currently part-time at 25.5 hours per week (3 days a week). The position comes at a cost to Council of approximately \$51,000/year (including on-costs and vehicle expenses), and some of this is offset by income generated through delivery of swimming pool and on-site sewerage management system inspections, in addition to income from infringement notices and impounding fees. Council's financial records indicate that approximately \$34,000 has been generated during the 2018/19 financial year, with the balance of the cost absorbed by Council in the Delivery and Operational Plan.

In September 2019, the position became vacant. Council has advertised the role twice, however with no suitable applicants. Feedback received during and after the recruitment process has confirmed that, being only a part time role, it is unattractive to applicants who are instead looking for full time work. A number of potentially suitable applicants expressed an interest in applying for the role, should it be made full time.

Certainly, there is sufficient workload to justify making the position full time. Aside from looking to increase the presence of the compliance officer in the field, the role does require a large amount of administration work (following on from inspections, complaint investigations, approvals assessment etc.). Currently, much of this extra administration work is being processed by existing Environmental Services staff. Further to all primary duties, it is also proposed that, with adequate training, the Compliance Officer could assist with the regulation of contaminated lands and underground petroleum storage systems (UPSS), the regulatory responsibility of which has just been delegated to Local Government in September 2019. Making the position full time also allows Council to respond to dog attacks and call outs in a faster manner, as opposed to only three days per week, with the Manager Environmental Services filling the role on the remaining days.

It is proposed that the position be made a permanent full-time role, working 35 hours per week (equivalent to that of a full-time indoor employee). This is an increase of 9.5 hours per week, and therefore an approximate increase in cost to Council of \$19,000 per annum (including on-costs and vehicle expenses). Again, some of this cost may be recovered through mandatory fees applied by regulatory activities.

In the event that Council feel they are unable to absorb the additional cost, Council's Manager Environmental Services has explored resource sharing arrangements with other Councils to provide relief ranger support as required. This option proposes the Compliance Officer role will be made full time, providing support to Lockhart Council three-four days per week, while potentially charging any remaining time to an adjoining Council. Coolamon Council currently buy-in the services of a Compliance Officer (or equivalent) to undertake companion animal checks for one-two weeks per year, and they are prepared to engage Lockhart Shire instead should a suitable service be available. Similarly, Federation Council seek to provide regular patrols of the shire's northern towns and villages, such as Urana, Boree Creek and Rand. While Federation Council are currently undertaking a review of their regulatory services staffing structure, the Council have confirmed they are severely lacking in this area and are very keen to explore such an arrangement with Lockhart Shire, potentially at 1-2 days per fortnight.

Certainly this alternate scenario is less desirable, with no increase in support and service delivery to the Lockhart Community and a continued pressure on existing Environmental Services staff, however it does provide the opportunity to increase the role to full time, making it a more attractive role overall.

Overall, the role of Compliance Officer provides an important regulatory and public support service to the shire and its residents, and aids existing Council staff by helping achieve improved compliance in a number of key areas. Council's Award Consultative Committee considered the proposal at a meeting on 2 December 2019, after which they supported the recommendation to make the Compliance Officer role full time.

Integrated Planning and Reporting Reference

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

Legislative Policy and Planning Implications

Local Government Act 1993.

Local Government Award 2017.

Budget and Financial Aspects

It is proposed that the Compliance Officer position be made a permanent full-time role, working 35 hours per week (equivalent to that of a full-time indoor employee). This is an increase of 9.5 hours per week, and therefore an approximate increase in cost to Council of \$19,000 per annum (including on-costs and vehicle expenses). Some of this cost may be recovered through mandatory fees applied by regulatory activities.

Attachments

Nil.

Recommendation: That Council approves the proposal to make the position of Compliance Officer a permanent, full-time position within the organisational structure.

Notes:

STRATEGIC DIRECTION E: Strong Leadership and Governance

12. INVESTMENT AND BANK BALANCES REPORT – 30 NOVEMBER 2019 (DCCS/F10-010)

Executive Summary

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		211,769.50
Add: Total Receipts		
	Rates	479,682.46
	Debtors	16,790.44
	Interest	1,958.35
	Return of Investment	1,150,000.00
	Sale of Carson Road Land	164,673.17
	Pensioner Concession Rebate	48,449.62
	Miscellaneous	41,139.46
	Sale of Plant	44,946.86
	Grants:	
	Financial Assistance Grant 2nd Qtr	445,884.00
	Roads to Recovery	180,000.00
	Stage 2 - BET Project	200,000.00
		2,773,524.36
Less: Total Payments		1,373,849.72
	New Investments 1490-3015-0001	
Closing Combined Cashbook Balance		1,611,444.14
Closing Bank Statement Balance		
	Bendigo Bank	1,125,022.10
	Macquarie Bank	361,956.89
	Bendigo Bank-Prichard Trust	31,664.63
		1,518,643.62
Add: Outstanding Deposits		105,019.41
		1,623,663.03
Less: Outstanding Cheques		12,218.89
Closing Combined Cashbook Balance		1,611,444.14

Investments:	Interest Rate per Annum	Amount Invested	% of Total
AMP RIM	1.90	250,000.00	4.17
AMP/RIM	1.65	500,000.00	8.33
AMP/RIM	1.75	500,000.00	8.33
Bankwest	1.50	500,000.00	8.33
Bankwest	1.45	400,000.00	6.67
Bankwest	at call	500,000.00	8.33
Bendigo	1.65	500,000.00	8.33
Bendigo	1.65	400,000.00	6.67
BENDIGO	1.60	250,000.00	4.17
BENDIGO	1.70	500,000.00	8.33
NAB	1.72	500,000.00	8.33
NAB	1.72	500,000.00	8.33
NAB	1.72	500,000.00	8.33
T Corp	at call	200,000.00	3.33
		6,000,000.00	100.00

General Ledger Balances as at Month End

<u>FUND</u>	AMOUNT
General (PTD) 1490-3000-0000	1,330,493.15
Combined Sewerage 8490-3000-0000	163,472.24
Trust Fund 9991-3000-0000	31,664.63
	1,525,630.02
TOTAL FUNDS HELD ARE:	7,525,630.02

Integrated Planning and Reporting Reference

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

E1 - Plan for the long-term sustainability of the Shire.

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

Legislative Policy and Planning Implications

Local Government Act 1993 Section 625 Investments.

Local Government (General) Regulation Clause 212.

Budget and Financial Aspects

Council's 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 months of July 2019 to November 2019, the average end of month balance of funds invested has been \$6.68 million and the average return on invested funds has been 1.83%. On these year to date figures, Council's budgeted income on investments was adjusted down for the July-September 2019 Quarterly Budget review and the forecast income should be achieved for the General Fund and Sewer Fund.

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 the Local Government (General) Regulations and Council's Investment Policy. The Internal and External Reserve amounts and Unrestricted Funds are estimate values only, they are subject to change and review in part with the annual audit of Council's Financial Statements and each Quarterly Budget Review.

Recommendation: That:

- a) The November 2019 Investment and Bank Balances Report be received and noted.
- b) The Responsible Accounting Officer Statement be noted, and the report be adopted.

Notes:

13. PRESENTATION OF COUNCIL'S 2018-19 FINANCIAL STATEMENTS (DCCS/A65-010)

Executive Summary

Report to Council on Audited Financial Statements for 2018-19.

Report

Council's Auditor, the Auditor General Audit of New South Wales, has completed the audit of Council's Financial Statements for the year ending 30 June 2019. The Financial Statements and Audit Report form part of Council's Annual Report. The Annual Report when initially finalised in November 2019 contained only draft audited financials of the primary statements. The complete Audited Financial Statements will now be inserted into Council's Annual Report for 2018-19.

In accordance with Section 419 (1) of the Local Government Act 1993 Council must present its Audited Financial Statements, together with the auditor's reports, at a meeting of the Council. In accordance with Section 418(3) of the Local Government Act 1993 public notice was given in the Daily Advertiser newspaper that the Audited Financial Statements and Auditor's Report would be presented at the Council meeting to be held on 16 December 2019.

Summary of Financial Statements

Operating surplus before capital grants and contributions:

\$449K (2018 – \$755K).

Operating Revenues (excl. capital grants & contributions)

▲ 14.5% to \$13.4M

Operating Expenses

▲ 11.2% to \$10.9M

Cash and Investments

▼ 28.0% to \$8.284M (2018 - \$11.503M).

Revenue from Rates and Annual Charges

▲ 4.2% to \$3.352M

This represents 25.0% of Council's total Income from Continuing Operations.

User Charges and Fees

▼ 69.9% to \$693,000

Interest on Investments

▼ 31.2% to \$227,000

Loans

\$3.827M balance of loans

Infrastructure, Property, Plant & Equipment

\$3.659M spent on Roads, Bridges & Culverts.

\$1.056M spent on Plant & Equipment.

\$2.549M spent on Swimming Pools

\$929K spent on Buildings

The Council achieved a surplus in net operating result from continuing operations (including capital contributions) of \$2.53M (2018: \$1.84M) for the year ended 30 June 2019. The net operating surplus for the year before grants and contributions provided for capital purposes is \$755K (2018: \$755K).

The size of Council's operations has remained relatively consistent over the past three years with increases in rates and annual charges being attributable to the annual permissible increase (2.3% in 2018/2019).

Employee costs have increased due to the wage increase in line with the Local Government (State) Award.

Council has undertaken an extensive capital works program which has involved \$9.6M of new and upgrades to Council's infrastructure, property, plant & equipment, buildings and sewer assets.

A detailed analysis of Council's Financial Statements can be found in the Audited Financial Statements, pages 76-82.

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

Integrated Planning and Reporting Reference

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

Legislative Policy and Planning Implications

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

Budget and Financial Aspects

Report on 2018-19 Financial Year

Recommendation: That Council endorse the Audited Financial Statements and Auditor's Report for the year ended 30 June 2019 as presented which will now be included in Council's 2019 Annual Report.

Notes:

14. ELECTORAL FUNDING BILL

(GM/E15-020)

Executive Summary

The Electoral Funding Amendment (Local Government Expenditure Caps) Bill 2019 has passed both Houses of Parliament.

Report

The Electoral Funding Amendment (Local Government Expenditure Caps) Bill 2019 has passed both Houses of Parliament and gives effect to the Government's response to the NSW Parliament's Joint Standing Committee on Electoral Matters' report into the impact of expenditure caps for local government election campaigns. In its response, the Government accepted each of the Committee's recommendations.

The Bill amends the Act to implement the Committee's recommendations, including to provide for an expenditure cap of \$6,000 for an individual candidate or a group of candidates in a local government election where the number of enrolled electors for the local government area (LGA) or ward is smaller than 5,001. Higher caps will apply to LGAs with greater number of enrolled electors.

For the purposes of four-yearly ordinary elections, the number of enrolled electors for the purposes of the caps will be the number of enrolled electors in a ward or undivided LGA 12 months prior to the election.

The expenditure caps will apply equally to candidates, or groups of candidates, whether they are endorsed by a political party or are independent. The NSW Electoral Commission will be required to inform candidates about the number of enrolled electors in their electorates and the expenditure cap that applies to each candidate, and publish that information on its website.

The passage of the Government's Bill will ensure that the reforms to the regulation of local government electoral expenditure recommended by the Committee will be in place for the 2020 local government elections.

Integrated Planning and Reporting Reference

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

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

Legislative Policy & Planning Implications

Individual candidates for the 2020 council elections will be required to comply with the new expenditure caps.

Budget & Financial Aspects

The legislative reforms will place expenditure caps on the election campaigns of candidates and will have no impact on Council's budget.

Attachments

Nil.

Recommendation: That the information be noted.

Notes:

15. OFFICE CLOSURE - CHRISTMAS/NEW YEAR PERIOD

(GM/S30-005)

Executive Summary

It is proposed to close Council's office over the Christmas – New Year period.

Report

It has been Council's practice to close its office for the three working days between Christmas and New Year. Industrial arrangements in place provide for staff to work up the time for these days through time accrued for rostered days off.

In accordance with previous practice Council's office will be closed from 4.00pm, Tuesday 24 December 2019 to Wednesday, 1 January 2020 and will re-open for business on Thursday, 2 January 2020.

Public notice will be given of the office closure and as is routinely the case, staff will be available to cover for any emergencies which may occur over this period.

Integrated Planning and Reporting Reference

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

Legislative Policy and Planning Implications

Nil.

Budget and Financial Aspects

Nil.

Attachments

Nil.

Recommendation: That Council's office close from 4.00pm, Tuesday 24 December 2019 to Wednesday, 1 January 2020 and re-open for business on Thursday, 2 January 2020 in accordance with industrial arrangements.

Notes:

16. COUNCIL MEETING – FEBRUARY 2020

(GM/C70-005)

Executive Summary

The February 2020 Council meeting will be held on Monday 3 February 2020 in accordance with Council's Code of Meeting Practice.

Report

Council at its meeting held on 20 May 2019 adopted a new Code of Meeting Practice. With respect to the timing of ordinary council meetings the Code states as follows:

"Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will be held on the following occasions:
- a) The first Monday in February; and
 - b) The third Monday of every month from March to December inclusive.
 - c) All ordinary meetings will commence at 5.00pm".

The purpose of holding the February meeting on the first Monday of the month instead of the third Monday is to reduce the length of time between the December and February meetings bearing in mind that no ordinary meeting is held in January.

Accordingly, the February 2020 ordinary council meeting will be held on Monday 3 February in accordance with the Code of Meeting Practice.

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

Pursuant to section 365 of the Local Government Act Council is required to meet at least 10 times each year, each time in a different month. Council's Code of Meeting Practice and schedule of ordinary council meetings complies with this requirement.

Budget & Financial Aspects

Nil.

Attachments

Nil.

Recommendation: That Council note that the February 2020 Council meeting will be held on Monday 3 February in accordance with Council's Code of Meeting Practice.

Notes:

17. NINE DAY FORTNIGHT PROPOSAL

(GM/S30-005)

Executive Summary

The purpose of this report is to outline a proposal to introduce a 9 day working fortnight for permanent full-time staff, whose Award hours are 35 hours per week, on a trial basis.

Report

Council's permanent full-time staff whose Award hours are 38 hours per week, which predominantly includes Council's outdoor staff, as well as a small number of office based staff, work a 9 day fortnight and have done so for over 30 years.

This arrangement has not been available to Council's permanent full-time staff whose Award hours are 35 hours per week, which predominantly includes Council's indoor staff. These staff work a 19 day month but have been making representations for the introduction of a 9 day fortnight, off and on, over a very long period of time.

In more recent months these representations have led to discussions between management and staff at the Staff Consultative Committee meetings. In these discussions staff were invited to demonstrate how a 9 day fortnight could be introduced without additional cost to Council and without any reduction in service levels, but instead be offset by an increase in service levels.

A proposal has now been prepared which is supported by management and meets these requirements. The proposal is supported for a trial period in the first instance and for the following reasons:

- The overwhelming majority of permanent full-time staff employed by Council already work a 9 day fortnight and extending this arrangement to the remaining staff is considered appropriate in terms of consistency and fairness;
- There are 11 office based permanent full-time staff that will have access to this arrangement. All other office based staff are either part-time, casual or already on an Award based flexibility arrangement;
- If a 9 day fortnight is not introduced, the affected staff could, in any event, request a more flexible working arrangement under Clause 22 of the Local Government (State) Award. The Award encourages employers to develop and promote flexible work and leave arrangements to enable their employees to better manage their work and family responsibilities (refer extract of Clause 22 of the Award below).
- Small rural councils can find it difficult to attract a range of strong candidates when vacancies arise. Providing flexible working conditions can assist in this regard and make Lockhart Shire a more attractive employer. Council's Community Strategic Plan and Delivery Program includes as a key strategy – "attract and retain a quality workforce".
- Improved staff morale, health and wellbeing through a better work-life balance leads to improved performance.
- Under the 9 day fortnight proposal the service to the community will be enhanced. Reception opening hours will be increased to 8:30am to 4:30pm Monday to Friday. Under the current arrangements the reception closes to the public at 4.00pm. Telephone Hours under the proposal would be 8:30am to 5:00pm Monday to Friday (currently 8.30am to 4:47pm).
- Under the proposal the Council's office will also remain open on the day of the Lockhart Picnic Races. Under the existing 19 day month arrangement Council's office closes at 12 noon on the day of the Races.

Integrated Planning and Reporting Reference

E1 - Attract and retain a quality workforce.

Legislative Policy & Planning Implications

Clause 22 of the Local Government (State) Award provides that:

“In recognition of the commitment to provide flexibility for work and family responsibilities and the need to retain skills and experience within the industry, employers are encouraged to develop and promote flexible work and leave arrangements to enable their employees to better manage their work and family responsibilities.

An employee may request a change in working arrangements if: -

- a) The employee is the parent, or has responsibility for the care, of a child who is of school age or younger;*
- b) The employee is a carer (within the meaning of the Carer Recognition Act 2010);*
- c) The employee has a disability;*
- d) The employee is 55 or older;*
- e) The employee is experiencing violence from a member of the employee’s immediate family;*
- f) Such other circumstances where an employee can demonstrate a genuine need for flexible work and leave arrangements to attend to work and family responsibilities.”*

Of the 11 affected staff members 8 are over 55 or are parents of school age children, and therefore are in a position to request a change in working arrangements as outlined above in any event. A council can only refuse a request for a change in working arrangements on reasonable business grounds.

Budget & Financial Aspects

Under the proposal staff will be required to work the same total of Award hours as before, albeit spread over 9 days per fortnight instead of ten. The 9 day fortnight proposal will therefore not have any discernible impact on Council’s budget.

Attachment

Nil.

Recommendation: That a 9 day fortnight be introduced for permanent full-time staff, whose Award hours are 35 hours per week, for a trial period of six months with the arrangement to be reviewed prior to the end of the trial period.

Notes:

Questions and Statements

Nil.

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.

18. AUSTRALIA DAY AWARDS 2020

(GM/C15-005)

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.