



MINUTES

**of the
Ordinary Meeting
Held
18 November 2019**

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

**Minutes of the Ordinary Monthly Meeting of Lockhart Shire Council held in the Council Chambers,
Green Street, Lockhart on Monday, 18 November 2019 at 5.02pm.**

PRESENT

Cr R. Schirmer (Mayor), Cr G. Verdon (Deputy Mayor), Cr M. Day OAM, Cr D. Douglas, Cr A. Rockliff, Cr P. Sharp and Cr J. Walker.

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

The meeting opened with a prayer.

APOLOGIES

Crs G. Driscoll and I. Marston.

LEAVE OF ABSENCE

Cr I. Marston sought Leave of Absence for the November 2019 meeting.

311/19	RESOLVED on the motion of Crs Rockliff and Walker that Cr Marston be granted Leave of Absence for the November 2019 meeting.
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CONFIRMATION OF MINUTES ORDINARY MEETING 21 OCTOBER 2019

312/19	RESOLVED on the motion of Crs Rockliff and Sharp that the Minutes of the Ordinary Meeting held on Monday, 21 October 2019 as printed and circulated be taken as read and confirmed.
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DECLARATION OF PECUNIARY AND NON-PECUNIARY INTERESTS

Cr R. Schirmer, – Non-Pecuniary Interest – Item 18, Closed Session, Aged Care Accommodation.

MAYORAL MINUTE

Nil.

MAYORAL REPORT

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

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| Tues, 22 Oct | Along with General Manager Peter Veneris, attended the REROC Drought Support meeting in Wagga Wagga.

Along with General Manager Peter Veneris and Gordon Hinds, Better Energy Technology attended meetings with the Hon. John Barilaro MP, Deputy Premier of NSW and the Hon. Matt Kean MP, Minister for Energy regarding Lockhart's Renewable Energy Project. |
| Fri, 25 Oct | Along with General Manager Peter Veneris, met with Sheridan Hopkins and Craig Selvage from TCorp and conducted a tour of Lockhart, including the Lockhart Swimming Pool Complex. |
| Sat, 26 Oct | Attended the official opening of the new and refurbished The Rock Swimming Pool Complex by the Hon. Steph Cooke, MP, Parliamentary Secretary to the Deputy Premier. Also in attendance was Dr Joe McGirr, Member for Wagga Wagga, Lockhart Shire Councillors and General Manger. |
| Thurs, 31 Oct | Along with General Manager Peter Veneris, attended a Country Mayors meeting in Sydney. |
| Mon, 11 Nov | Attended the Remembrance Day Service in Lockhart and laid a wreath on behalf of Council. |
| Thurs, 14 Nov | Along with General Manager Peter Veneris, attended the Riverina JO Board Meeting and REROC AGM and Board Meeting in Wagga Wagga.

Along with my wife, attended the Lockhart Central School Year 12 Graduation Evening. |

313/19 RESOLVED on the motion of Crs Douglas and Verdon that the Mayoral Report be received.

URGENT MATTERS

Nil.

NOTICE OF MOTION

Nil.

COMMITTEE REPORTS

1. **TOURISM/ECONOMIC DEVELOPMENT STEERING COMMITTEE (TEDSC) MEETING REPORT – NOVEMBER 2019** (TEDO/T26-005)

MINUTES OF THE TOURISM/ECONOMIC DEVELOPMENT STEERING COMMITTEE (TEDSC) MEETING OF LOCKHART SHIRE COUNCIL HELD AT THE LOCKHART SHIRE COUNCIL OFFICES ON TUESDAY, 5 NOVEMBER 2019 COMMENCING AT 6.37PM.

PRESENT

Mrs Myra Jenkyn, Ms Sandra Johnstone, Mrs Raeleen Pfeiffer, Councillor Derek Douglas, Mr John Holstein, Guest Mr Peter Creek, Tourism/Economic Development Officer (Jennifer Connor).

APOLOGIES

Councillor Gail Driscoll, Mr Greg Smith.

LEAVE OF ABSENCE

Nil.

PECUNIARY INTEREST

Nil.

The minutes of the Meeting held Tuesday, 1 October, as printed and circulated, be taken as read and confirmed on the Motion of Sandra Johnson, seconded Myra Jenkyn.

1. **TEDSC Committee Member – Pleasant Hills**

The TEDSC welcomed Mr Peter Creek as a guest to the meeting. Peter has many years of involvement in tourism and economic development. In addition to running his own business locally for nearly twenty years, Peter has been a member of the Pleasant Hills Hall Committee, the Pleasant Hills Hotel Committee and both Henty and Urana Historical Associations. He is an integral member of Two Rivers Run, a regional tractor trekking event established as a fund raiser to support men's health in rural areas and held annually over several days.

With a love of nature and a passion for tourism and future growth, the TEDSC agreed Peter Creek would be a beneficial member of the TEDSC and as such would like to formally nominate him to the Tourism & Economic Development Steering Committee.

Recommendation: That Mr Peter Creek be approved as a member of the Tourism and Economic Development Steering Committee.

314/19	RESOLVED on the motion of Crs Douglas and Sharp that Mr Peter Creek be approved as a member of the Tourism and Economic Development Steering Committee.
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2. **Business Survey**

The 2019 Lockhart Shire Business Survey saw a 25% increase in responses in comparison to the previous year. 64% of completed surveys received were from agricultural communities, however responses received from the retail and transport sector were very low.

The responses indicated the business community recognised the success of ongoing projects Council were undertaking such as promoting Lockhart Shire as a tourist destination and working to increase the population, while identifying the creation of development opportunities and increased small business advice and support as being important to them. An analysis of the survey results will be included as a report in the November Business Paper.

Recommendation: That the information be noted.

315/19	RESOLVED on the motion of Crs Douglas and Walker that the information be noted.
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3. Lockhart Shire Business Forum

The TEDO is continuing to liaise with Business Enterprise Centre (BEC) and Service NSW to host a business forum at a time suitable to businesses and key stakeholders. While the TEDO was hoping to host in mid to late November due to availability of speakers the forum was likely to be held at the end of February or early March. The TEDO is meeting with representatives from both BEC and Service NSW in the following week with an aim to determine forum timing and content.

Recommendation: That the information be noted.

316/19 RESOLVED on the motion of Crs Douglas and Walker that the information be noted.
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4. Lockhart Shire Brochure

Further to the TEDO's approach to Murrumbidgee Council regarding a possible joint brochure, Murrumbidgee indicated their interest and suggested the possibility of a slightly larger collaboration. The TEDO was invited to attend a meeting with Narrandera, Murrumbidgee and Leeton Shire Councils to discuss the potential for all four councils to work together to produce printed and online visitor guides with an aim to increasing overnight stays and visitor spend.

This project would see the combining of funds allocated for brochure printing by all four councils to promote the key experiences in our specific areas to a much wider audience.

The TEDO was supportive of the collaboration providing the project included a high quality printed brochure and that each Council received equal representation of key visitor attractions and facilities. This was unanimously supported by the TEDSC who recognised pooling resources would ensure a greater opportunity to reach target markets, particularly as visitors do not see Shire borders. Subject to support from Council, the TEDO would work with the other council members to produce a printed and online visitor guide which would greatly assist with driving further tourism to Lockhart Shire.

Recommendation: That the collaboration be supported subject to a quality destination awareness brochure being made available for distribution in print and online.

317/19 RESOLVED on the motion of Crs Douglas and Day that the collaboration be supported subject to a quality destination awareness brochure being made available for distribution in print and online.

5. Public Art Projects

A number of community groups in Lockhart Shire have benefitted from \$100,000 funding from Riverina Water. In addition to funding for water saving and community facilities, art projects also received funding including art workshops in Lockhart and The Rock (painting, pottery and mosaic) and funding for Milbrulong Water Tower mural and outdoor space

The TEDO is liaising with the artists and executives of the Milbrulong Hall Committee to further the project. The draft design from the artists has been requested and once received the Hall Committee will arrange a community meeting for feedback. The TEDO will continue to keep the TEDSC updated on this very exciting project.

Recommendation: That the information be noted.

318/19 RESOLVED on the motion of Crs Douglas and Walker that the information be noted.
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6. Lockhart Shire and Town Signs

The TEDO has met with Lockhart Progress Association and following suggestions received at that meeting has drafted some sample images and taglines for consideration. The TEDO will do this for the meetings with The Rock and Yerong Creek Progress Association executives.

Recommendation: That the information be noted.

319/19 RESOLVED on the motion of Crs Douglas and Walker that the information be noted.
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7. What Next

The TEDSC discussed potential tourism and economic ideas for the Shire and began putting together a wish list should funding opportunities arise which Council could be shovel ready to take advantage of:

- Yerong Creek Mural
- Industrial Land at The Rock
- Additional residential land at The Rock
- Sealing access to Galore Hill
- Improvements to central avenue area near RSL club in The Rock
- Large youth park in Lockhart along flood buy back area
- Two large art/heritage sculptures and interpretative panels at intervals along the M59 (Lockhart to Urana)
- Boardwalk around Brookong Lagoon with wooden jetty for fishing
- Walking path from Pastoral Shadows of Brookong to Showground following creek / levy banks
- Walking path along the creek at The Rock and safe access across highway
- Business Centre in The Rock
- Government Dam – walking path, outdoor equipment and park to create engaging outdoor space
- Toilet facilities at Lockhart Golf Club to enable greater use of Clem Gooden Oval for large numbers of caravans and camping noting Showground has parking but only when dates don't clash, e.g. if large event at Showground then that area is not available.
- Mural artwork on existing buildings.

Further suggestions for improvements are to be raised at the February meeting.

Recommendation: That the information be noted.

320/19	RESOLVED on the motion of Crs Douglas and Walker that the information be noted.
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8. Project Updates

The TEDO provided an update on ongoing projects as follows:

Lockhart & District Historical Society	Official opening on 9 October 2019 was very successful. Following resignation of Museum Coordinator Kim Biggs, appointment of Margot Jolly.
The Rock Museum	The committee are continuing to work on the layout of exhibits in the upper floor of the museum.
Yerong Creek Progress Association	Continuing to seek funding for Yerong Creek Water Tower. Are working on a number of economic drivers for their community including two potential events. Playground at Club complete and looks great.

The next TEDSC meeting will be held at Yerong Creek Bowling Club on Tuesday 4 February 2020 at 6:30pm.

Recommendation: That the report be received and noted.

321/19	RESOLVED on the motion of Crs Douglas and Walker that the report be received and noted.
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2. LOCKHART SHIRE COUNCIL AUDIT, RISK AND IMPROVEMENT COMMITTEE (GM/A65-011)

MINUTES OF THE MEETING OF THE LOCKHART SHIRE COUNCIL AUDIT, RISK AND IMPROVEMENT COMMITTEE HELD AT THE LOCKHART SHIRE COUNCIL OFFICES ON WEDNESDAY 6 NOVEMBER 2019 AT 10.00AM

1. Present

James Davis (Independent Chairperson)
Keith White (Independent Member)
Cr Andrew Rockliff (Lockhart Shire Councillor)

2. In Attendance

Peter Veneris (General Manager)
Craig Fletcher (Director Corporate and Community Services)
Ian Roberts (Internal Auditor)

3. Apologies

Nil.

4. Confirmation of Minutes

It was RESOLVED on the motion of J Davis and K White that the minutes of the meeting held on 3 July 2019, as printed and circulated, be confirmed as a true and correct record of the proceedings of that meeting.

5. Business Arising

Nil.

6. Internal Audit Report

The Chairperson invited the Internal Auditor to present his Report on Payroll/ HR at Lockhart Shire Council.

Mr Roberts reported that the Council has a good handle on payroll however he identified a need to better document the processes that Council has in place.

In this regard he referred to the specific recommendations contained in his report relating to the development of a "Payroll Procedure" for the accurate completion, signing and authorisation of timesheets, as well as the development of a "Leave Procedure" which covers all types of leave available to employees.

Mr Roberts emphasised that there is currently no problem with the processes that are in place but believed that better documentation of those processes would be an improvement.

The Chairperson invited comment from the management representatives in relation to the Internal Auditor's recommendations. The General Manager advised that he agreed with the recommendations.

It was RESOLVED on the motion of A Rockliff and K White that the Internal Audit Report on Payroll/HR at Lockhart Shire Council and the recommendations contained therein be accepted.

7. Internal Audit Recommendations – Status Report

It was RESOLVED on the motion of K White and A Rockliff that the Internal Audit Recommendations Status Report be received and noted.

8. Internal Audit Methodology – Section 355 Committees

It was noted that the next internal audit review will focus on section 355 committees of councils. Copies of the methodology proposed to be used by the Internal Auditor for the purposes of the next internal audit review were distributed and discussed by the Committee.

It was RESOLVED on the motion of K White and A Rockliff that the methodology for the next internal audit review focusing on section 355 committees be accepted.

9. Notice of Reportable Incidents

The General Manager advised that there were no incidents to report.

10. General Business

10.1 Audit, Risk and Improvement Committees – Discussion Paper

General discussion took place regarding the Discussion Paper released by the Office of Local Government (OLG) for consultation purposes regarding an internal audit and risk management framework.

The Chairperson, James Davis, noted that a workshop was being convened by the Riverina JO to consider the proposals contained in the Discussion Paper.

The General Manager advised that he had prepared a report to the next meeting of the Council regarding the Discussion Paper and identifying issues that could form the basis of a submission to OLG.

It was generally agreed that the proposals contained in the Discussion Paper will have significant cost implications for councils and will also prompt a review of the Internal Audit Alliance.

10.2 Financial Statements 2018/19

The Director Corporate and Community Services, Craig Fletcher, updated the Committee on the progress of the preparation of the Lockhart Shire Council's 2018/19 Financial Statements.

He informed the Committee that an extension had been sought and approved by OLG to 31 December 2019. He further advised that the field work had been completed by the External Auditors and that it was proposed to present the Audited Financial Statements to the December Council meeting.

11. Date of Next Meeting

The next meeting will be held on 4 March 2020.

There being no further business the meeting closed at 10:35 am.

James Davis
Chairperson

Recommendation: That the report be received and noted.

322/19	RESOLVED on the motion of Crs Day and Sharp that the report be received and noted.
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Delegates' Reports

1. LOCAL GOVERNMENT NSW ANNUAL CONFERENCE – 14-16 OCTOBER 2019 AT WARWICK FARM (GM/S20-005)

Councillors Schirmer and Day together with the General Manager attended the LGNSW Annual Conference. The Mayor Cr Schirmer was Council's voting delegate.

The Deputy Mayor Cr Greg Verdon also attended the Conference in his capacity as Chairperson of Riverina Water County Council.

Some of the more notable outcomes of the Conference are summarised below.

Election of Office Bearers and Board Members

Linda Scott (City of Sydney) was re-elected as President for a second two-year term.

Other office bearers elected were Treasurer Jerome Laxale (City of Ryde), Vice-President Metro/Urban Angelo Tsirekas (City of Canada Bay) and Vice-President Rural/Regional Stephen Lawrence (Dubbo Regional).

Directors (Rural/Regional) elected to the Board were Darriea Turley (Broken Hill City), Phyllis Miller (Forbes Shire), Marianne Saliba (Shellharbour City), Ruth Fagan (Cowra), Ben Shields (Dubbo Regional), Keith Rhoades (Coffs Harbour City) and Dominic King (Bellingen Shire).

Outgoing Board members were Scott Ferguson (Blayney Shire), Marjorie O'Neill (Waverley), Michael Regan (Northern Beaches), Paul Harmon (Inverell Shire) and Rod Kendall (Wagga Wagga City).

Conference Motions

Approximately 120 motions were debated on the floor of the Conference. The motions predominantly related to LGNSW's advocacy role and called on LGNSW to lobby government on a wide range of issues including:

- Increasing the Financial Assistance Grants to 1% of Commonwealth tax revenue.
- Developing a comprehensive, integrated and funded emergency plan to address the immediate water supply crisis as well as long term (30-40 year) water supply strategies for catchments throughout the State that mitigate the risks from future droughts.
- Increasing councils' legislative powers to manage derelict sites
- Establishing a separate panel of independent members, with specific local government knowledge, for appointment to local councils Audit, Risk and Improvement Committees
- Continuing its investment in JO operating costs in order that this State Government initiative can continue to operate sustainably.
- Halting the unjustifiable increases in election costs to ratepayers across NSW.
- Reversing the Information Privacy Commissioner's requirement for Councils to publish Returns of Interest Disclosure on their websites.

Cr Rodger Schirmer
Delegate

2. **REROC AND RIVERINA JO DROUGHT SUPPORT MEETING – 23 OCTOBER 2019 AT WAGGA WAGGA (GM/R30-005 & R30-025)**

I report attending, together with the General Manager, a meeting convened by REROC and the RIVERINA JO to hear from relevant agencies as to the forms of support and assistance available to drought affected communities. Representatives of the following agencies and organisations made presentations to the meeting:

- 1) Regional Development NSW
- 2) Rural Financial Counselling Services
- 3) Murrumbidgee Primary Health Network.

It was noted that Rural Financial Counselling Service's (RFCS) core funding enables the incorporated organisation to employ 8.8 financial counsellors and that additional "drought funding" currently provided to the organisation allows it to employ up to 13 counsellors.

However, it was also noted that the additional "drought funding" is due to expire in February 2020 at which time RFCS will be forced to reduce the number of financial counsellors back to 8.8. The importance of maintaining the additional funding beyond February 2020 was taken up directly with the Deputy Premier during a meeting in Sydney arranged for an unrelated matter.

As a result of the REROC and RIVERINA JO meeting the following information has been posted on Council's website:

Drought Assistance

Information regarding the various forms of assistance that are available to drought affected communities can be found on the following websites:

NSW Government's Drought Hub

www.dpi.nsw.gov.au/climate-and-emergencies/droughthub

Australian Government Drought and Rural Support Hub

<http://www.agriculture.gov.au/ag-farm-food/drought>

Rural Financial Counselling Service

www.agriculture.gov.au/ag-farm-food/drought/assistance/rural-financial-counselling-service

National Farmer Federation

www.farmhub.org.au

Department of Planning, Industry and environment – Water

<https://www.industry.nsw.gov.au/water/allocations-availability/droughts-floods/drought-update>

Cr Rodger Schirmer
Delegate

3. RIVERINA REGIONAL LIBRARY – 30 OCTOBER 2019 AT WAGGA WAGGA (GM/L20-005)

I report attending a meeting of the Riverina Regional Library (RRL) Advisory Committee at Wagga on 30 October 2019.

A summary of the main points emanating from the meeting is provided below.

- The 2018/19 draft financial statements were presented and endorsed by the Committee;
- The financial performance for the 2018/19 financial year was a \$76,120 Net Operating Surplus. The unrestricted cash has reduced from \$773,715 at 30 June 2018 to \$705,301 at 30 June 2019 due to the increased level of internal and external restrictions (Reserves).
- The Mobile Library made 28,817 loans in 2018/19, the fourth highest behind the Wagga, Cootamundra and Tumut branches.
- A total of 5,929 loans were made by the Mobile library at the Lockhart stop alone (3.5 hours per week) which was higher than at some static library branches.
- Of the ten member Councils, Lockhart Shire Council has the fourth highest number of loans per capita behind Coolamon, Cootamundra and Snowy Valleys Councils.
- RRL will follow an increasing trend amongst NSW libraries and do away with fines for late returns to be replaced by a 'support to comply' model. The cost of pursuing recovery of outstanding fines often outweighs the benefit and fines are considered a barrier to borrowers returning books and re-engaging with the library service.

Other library services that have adopted this approach reported significant increases in the return of overdue books and increased borrowing activity in the months that followed:

- The significant increase in library funding across the State and for all RRL member Councils was noted. At the next meeting of the RRL 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.

Peter Veneris
Delegate

4. NSW COUNTRY MAYORS ASSOCIATION – 1 NOVEMBER 2019 IN SYDNEY (GM/S20-010)

I attended the NSW Country Mayors Association Annual General Meeting and Quarterly meeting on 1 November 2019 together with the General Manager.

Points of interest arising from the meetings include the following:

- Mayor of Moree Plains Shire Council, Cr Katrina Humphries, was re-elected unopposed as Chair of the Association;
- Mayor of Coolamon Shire Council, Cr John Seymour, was re-elected to the six-member Executive Committee;
- A presentation was given by Deputy Commissioner of the NSW Rural Fire Service, Rob Rogers, and Director of Community Resilience, Corey Shackleton. With respect to the 2019/20 bush fire season so far, the following points were noted:
 - 12 days of Total Fire Bans with 494,028 ha burnt;
 - 12 section 44 emergencies declared affecting 16 Local Government Areas;
 - 23 fires reached Emergency Warning level;
 - Losses include 108 houses, 18 facilities and 294 outbuildings, 1,784 animals;
 - Drought conditions are prompting the RFS to review its fire-fighting operations including considering more dry firefighting. A process has been introduced for replacing water for livestock and agricultural purposes where it has been taken for fire-fighting purposes;

(These statistics have of course been overtaken by recent fire emergencies in the northern part of the State).

- A presentation was given by Matt Fuller, Acting Deputy Secretary, Regional and Outer Metropolitan, Transport for NSW and Peter Ryan, Major Property Development and Corporate Real Estate, regarding Transport for NSW's blueprint for the next 10 years.

The opportunity was taken to reinforce previous representations made to Transport for NSW regarding the issue of the railway bridge at Lockhart and the need to enlarge the bridge from a flood mitigation perspective.

- A presentation was given by Gary White, Chief Planner, Department of Planning, Industry and Environment who focused on the changing world, the importance of strategic planning and the opportunities and solutions offered by technology and innovation.

Cr Rodger Schirmer
Mayor

5. LATE REPORT – RIVERINA JO BOARD MEETING AND REROC ANNUAL GENERAL MEETING AND BOARD MEETING – 14 NOVEMBER 2019 IN WAGGA WAGGA (GM/R30-005 & R30-025)

I attended the Riverina Joint Organisation Board Meeting on 14 November 2019 together with the General Manager.

Points of interest arising from the meeting include the following:

- Wagga Wagga City Council has now formally requested to join the Riverina JO. The RivJO Board resolved to accept Wagga Council's request to join the JO. The Government will need to implement certain administrative procedures to give effect to the decision including the publication of a proclamation in the NSW Government Gazette.
- One-off Capacity Building Funding for JOs is being made available. This is \$150,000 that is being provided to each JO *"to support JOs in developing their ongoing sustainability. The Joint Organisation Capacity Building Funds must be spent on activities and projects specifically designed to improve the sustainability of a JO"*. The RivJO will submit three applications for the total funding of \$150,000.
- I have been appointed Chair of the RivJO Drought Committee.
- A special workshop is being convened on 22 November 2019 to consider the Discussion Paper relating to an internal auditing and risk management framework;
- A briefing session on the NSW Government's water reforms is proposed to be held on the next Board meeting day, i.e. 12 December 2019.
- A scoping document has been prepared and adopted for the purposes of inviting proposals from consultants to undertake a review of the operations of RivJO and REROC. This review will inform a decision as to the future of the organisations as it is not envisaged both the JO and REROC will continue operating in parallel.

I attended the REROC AGM and Board Meeting on 14 November 2019 together with the General Manager.

Points of interest arising from the meeting include the following:

- The 2018/19 Annual Report was tabled. Copies have been distributed to all Councillors.
- Cr Rick Firman, Mayor of Temora Shire Council, was re-elected unopposed as Chairperson of REROC for the ensuing term.
- Cr John Seymour, Mayor of Coolamon Shire Council, was elected unopposed as Deputy Chairperson.
- Tony Donohue, General Manager of Coolamon Shire Council, was re-elected Treasurer.

- The Southern Lights project has still been unable to attract government funding despite the strong business case supporting it. LED lights are being rolled out in Albury and will follow in other larger regional centres at the councils' own cost.

Letters have also been sent to all member councils advising of the anticipated cost to each LGA of the deployment based on costings provided by Essential Energy. REROC is also talking to T-Corp about funding.

- James Bolton of the Department of Premier and Cabinet (Wagga Regional Office) gave a presentation on the Special Activation Precincts.

Parkes and Wagga Wagga are the only Special Activation Precincts identified by the NSW Government at this stage. The Government provides the funding for all the necessary preliminary planning of the precincts e.g. environmental studies, master planning etc. including the recently announced freight terminal at Bomen.

Cr Rodger Schirmer
Mayor

Recommendation: That the information be noted.

323/19	RESOLVED on the motion of Crs Rockliff and Verdon that the information be noted.
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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 21 October 2019			
309/19	GM	<p>Closed Council – Preparation of Plans of Management The proposal received from Habitat Planning for the preparation of plans of management for the crown reserves of which Council is the crown land manager, as for the land owned by Council which is classified as “Community” land, be accepted.</p>	Both the successful and unsuccessful firms which submitted an EoI have been advised of Council’s decision. An initial meeting has been held with the successful firm. Complete.
306/19	GM	<p>Policy 2.32 Disposal of Surplus, Obsolete or Scrap Materials, Stores, Equipment, Plant and Vehicles Policy as presented be adopted.</p>	Policy Register updated. Complete.
305/19	GM	<p>Policy 1.4 – Code of Conduct – Monetary Threshold for Gifts Council reiterate its previously stated view that there should be consistency between the standards set for councils and other levels of government and that councillors should not be held to a higher standard than those set for elected representatives at a State and Federal level.</p>	A submission reflecting Council’s position has been forwarded to OLG. Complete.
304/19	GM	<p>Local Government Elections Update a) Note that:</p> <ul style="list-style-type: none"> • The next ordinary election of Council will be held on Saturday 12 September 2020; • Council has until 1 January 2020 to finalise its contractual arrangements with the NSWEC for the conduct of the 2020 council election; • The current enrolments in the Council’s three wards do not vary by more than 10% and therefore there is no requirement to amend the ward boundaries. <p>b) Make representations to the Minister for Local Government regarding the cost estimate provided by the NSWEC for the conduct of the 2020 local government elections.</p>	Written representations regarding the increased cost in conducting council elections have been forwarded to the Minister for Local Government. Complete.
302/19	DCCS	<p>Audited Financial Statements – 2018/19 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. b) The funds as listed in the schedule be reported as internally restricted in Council’s accounts as at 30 June 2019.</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.
300/19	MES	<p>Variation to Development Control Plan DA13-20 Council grant consent for a variation to the Lockhart DCP, thereby permitting an increased building height for a proposed new shed at 3 Drummond Street, Lockhart.</p>	Development consent approved with conditions on 22 October 2019. Complete.

294/19	GM	<p>IPART Review of Local Government Compliance and Enforcement Council make a submission to the Office of Local Government supporting the recommendations of the IPART review of local government compliance and enforcement.</p>	<p>A submission has been forwarded to OLG. Complete.</p>
292/19	DCCS	<p>Council Buildings – Dentist and Lockhart Museum 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.</p>
291/19	DCCS	<p>Upgrade Cricket Wickets in the Lockhart Shire a) Approve a contribution of \$3750.00 (ex GST) for the upgrade to the Osborne cricket wicket from S356 Contributions 2019-20 allocation. b) Approve a contribution of \$3750.00 (ex GST) for the upgrade to the Lockhart cricket wicket to be funded from S356 Contributions 2020-21 budget allocation.</p>	<p>Awaiting the project to be finalised. There have been some issues and Council will liaise with the Osborne Cricket Club and withhold payment until the new wicket is satisfactorily completed.</p>
290/19	GM	<p>Inquiry into Support for Drought Affected Communities in NSW Council identify any issues it wishes to raise in a submission to the Legislative Assembly Committee on Investment, Industry and Regional Development's Inquiry into support for drought affected communities in NSW.</p>	<p>A submission has been made to the Inquiry into Support for Drought Affected Communities in NSW. Complete.</p>
289/19	GM	<p>The Rock Regional Observatory Project Council enter into the Memorandum of Understanding with Charles Sturt University and The Rock Progress Association for the purposes of The Rock Regional Observatory project.</p>	<p>The MoU has been signed and returned to CSU. A media release regarding CSU's involvement in the project has been issued. Complete.</p>
288/19	GM	<p>Australia Day Celebrations and Awards 2020 a) Council invite expressions of interest from The Rock based community organisations to host the 2020 Australia Day celebrations in The Rock; and b) The composition of the Australia Day Awards Committee for the 2020 Awards be Crs Day, Sharp and Walker.</p>	<p>Advertisements inviting nominations for the Australia Day Awards have been placed in Council's Newsletter and distributed within the community. Expressions of interest from The Rock based community organisations to host the 2020 Australia Day celebrations in The Rock have been invited through Council's Newsletter. Complete.</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			
229/19	DEES	<p>Fixing Country Roads Grant Funding Program</p> <p>a) Submit a grant application under the next round of Fixing Country Roads program for the upgrade of Wattles Road and Tinamba Lane; and</p> <p>b) Place notices in the August 2019 Council Newsletter for letters of support for the project.</p>	<p>Grant application has been lodged.</p> <p>Complete.</p>
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			
188/19	DCCS	<p>Disused Buildings – French Park Tennis Courts</p> <p>a) Dispose of the asset by Expression of Interest;</p> <p>b) Award to the highest bidder; and</p> <p>c) The successful EOI acknowledges purchasing and moving buildings in an “as is” condition and sign an agreement.</p>	<p>Correspondence to successful EOI has been posted.</p> <p>Successful EOI notified, accepted & paid.</p> <p>Complete.</p>
177/19	DEES	<p>Shire and Town Entrance Signs</p> <p>Council:</p> <p>a) Endorses the shire entrance and town sign proofs in principle;</p> <p>b) Refers the signs back to Council’s Tourism and Economic Development Officer for further development and liaison; and</p> <p>c) A further report is brought to Council in due course prior to undertaking another round of community consultation.</p>	<p>Plans referred back to TEDO for further consultation with local Progress Associations and community groups.</p> <p>Ongoing.</p>

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.	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: <ol style="list-style-type: none"> 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. 	<ol style="list-style-type: none"> 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	Information Technology Systems Infrastructure <ol style="list-style-type: none"> a) Council approve the purchase of the additional information technology infrastructure up to value \$25,000; and b) Additional information technology infrastructure to be funded from December 2018 Quarterly Budget Review. 	Contact has been made with selected suppliers. Tender specifications being finalised to initiate negotiations will select suppliers to continue. Ongoing.
12/19	DEES	Integrated Water Cycle Management Strategy – Sewerage Services Council apply for funding under the Safe and Secure Water Program to undertake IWCM Strategy renewal.	Grant funding has been received. Council has received a copy of signed and executed funding agreement. Purchase Order issued to Public Works Advisory with work to commence shortly. Complete.

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.</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 21 October 2019 – Councillor Questions & Statements			
Councillor's Questions	A/DEES	<p>Cr Driscoll – Carson Rd Development, The Rock – Requested that the Carson Rd Development in The Rock be mowed as it is looking very untidy.</p>	<p>Acting DEES advised that he will investigate and take appropriate action.</p>
	GM	<p>Cr Rockliff – Public Toilets in Shopping Precinct, Green St, Lockhart – Enquired if the potential for a public toilet block in the shopping precinct of Green St Lockhart was still on Council's agenda as he believes toilets in this location are needed for travellers.</p>	<p>A separate report has been included in the November 2019 Council meeting Business Paper.</p> <p>Complete.</p>

Councillor's Questions	GM	Cr Douglas – New Director Engineering and Environmental Services – Enquired where Council is up to with the commencement of the newly appointed Director Engineering and Environmental Services?	GM advised that the new DEES will be commencing on Monday, 9 December 2019. Complete.
	A/DEES	Cr Sharp – Disused Culverts on the Henty-Pleasant Hills Road – Enquired if the disused culverts on the Henty-Pleasant Hills Rd could be made available for purchase to do private works on private properties?	Acting DEES advised that the culverts can be made available for sale and will be advertised in the Council Newsletter. Price per unit will be inclusive of loading by Council staff onto private trucks. Complete.
	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			
Councillor's Questions	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 355 Committee of Council could be investigated.	DCCS advised that he will investigate and advise.
	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.

Ordinary Council Meeting held 19 August 2019 – Councillor Questions & Statements			
Councillor's Questions	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.
	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			
Councillor's Questions	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			
Councillor's Questions	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.

Councillor 's Questions	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			
Councillor 's Questions	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.

18 November 2019 Council Meeting - Correspondence Sent to Councillors

Date to Councillors	From	Subject	File Ref
21/10/19	Cr Linda Scott, LGNSW	LGNSW Weekly – 18 October 2019	S20-007
21/10/19	ALGA News Editor	ALGA News 18 October 2019	A75-005
28/10/19	Cr Linda Scott, LGNSW	LGNSW Weekly – 24 October 2019	S20-007
29/10/19	Dept. Planning, Industry & Environment	Invitation to attend free 1-day workshop 'Net Zero Emissions & climate Resilience for Local Government, 15 Nov in Wagga Wagga	
04/11/19	ALGA News Editor	ALGA News 1 November 2019	A75-005
04/11/19	Cr Linda Scott, LGNSW	LGNSW Weekly – 1 November 2019	S20-007
06/11/19	Statewide Mutual	Training & Professional Development Opportunity – Enterprise Risk Management	
08/11/19	The Hon. Michael McCormack, MP, Deputy Prime Minister	Media Release – Drought Assistance Funding for Lockhart and Hilltops Councils	G10-005
11/11/19	ALGA News Editor	ALGA News 8 November 2019	A75-005
11/11/19	Cr Linda Scott, LGNSW	LGNSW Weekly – 7 November 2019	S20-007

Recommendation: That the information be noted.

324/19	RESOLVED on the motion of Crs Douglas and Walker that the information be noted.
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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 that Lockhart Shire is eligible to apply for drought relief funding of up to \$1 million under the Drought Communities Programme Extension. Council is required to identify and submit projects that meet the funding guidelines for approval.

Report

The Lockhart Shire Council is eligible to receive \$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.

The objectives of the program are to deliver support to targeted drought-affected regions of Australia by funding local community infrastructure and other drought relief projects.

Funding will target infrastructure and other projects that:

- provide employment for people whose work opportunities have been impacted by drought;
- stimulate local community spending;
- use local resources, businesses and suppliers;
- provide a long-lasting benefit to communities and the agricultural industries on which they depend;

The intended outcomes of the program are to:

- increase employment in regions by providing work for locals and/or farmers and farm labourers/staff/contractors whose employment opportunities have been affected by drought;
- improve levels of economic activity in regions;
- increase productivity in regions;
- enable better retention of businesses, services and facilities.

Each eligible council can receive funding for projects up to \$1 million. The minimum grant amount per application is \$25,000. Applications can include multiple unrelated activities up to the total funding amount of \$1 million per eligible council. Co-funding from eligible councils is not mandatory, but councils may access other funding for the project. Each project must meet at least one of the following project requirements.

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.

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.

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.

Not all expenditure on a project may necessarily be eligible for grant funding. Grant funds can only be spent on eligible expenditure incurred on an approved project as defined in the funding 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)

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.

Council has various infrastructure projects and a wish list of projects that are beyond the capacity of the normal operational budget. These can range from road upgrades that support the agricultural sector and improve the efficient movement of freight, to economic development and tourism related projects that aim to stimulate the local economy.

It is recommended that a Councillor Workshop be convened to determine the projects to be submitted for funding under the Drought Communities Programme Extension having regard to the Programme's funding guidelines.

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

Council will be required to submit an Adverse Event Plan with its final project report and can use part of the funding under the program to develop a Plan. The Adverse Event Plan must meet the needs of the community and give 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).

Budget and Financial Aspects

Co-funding is not mandatory for any projects nominated for funding under the Drought Communities Programme Extension.

Attachments

Nil.

Recommendation: That a Councillor Workshop be convened to determine projects to be submitted by Council for funding under the Drought Communities Programme Extension.

325/19	RESOLVED on the motion of Crs Day and Douglas that 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.
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STRATEGIC DIRECTION B: A Dynamic and Prosperous Economy

2. LOCKHART SHIRE 2019 BUSINESS SURVEY

(TEDO/T26-020)

Executive Summary

A summary of responses for the Lockhart Shire 2019 Business Survey is shown below. A copy of the 2019 Business Survey Analysis is included with the Business Papers.

Report

The 2019 Lockhart Shire Business Survey better allows Council to understand the state of business in the Shire and the needs of the business community. 512 businesses received the survey, with the greatest number of responses coming from Lockhart and The Rock. The responses received from retail, health care and transport/warehousing were very low.

An analysis of the survey results are as follows:

- A total of 42 responses were received, an increase from the 2018 number but still a significant drop from 79 replies received in 2017.
- 78% of businesses have been in operation for 10 years or more.
- 63.4% of responses were from Agriculture based industries, an increase of 24% on last year.
- 73.1% of businesses were home based, compared to 62.5% of responses last year.
- Annual turnover ranged between \$50K to \$5 Million plus.
- 75% of businesses were optimistic or slightly optimistic about the future of their business compared to 81.8% in 2018, 85.5% in 2017, 91% in 2016 and 72.5% in 2015.
- 52.5% of businesses were more successful in 2019 compared to 48.4% in 2018, 56.9% in 2017, 56% in 2016 and 32% in 2015.
- 87.8% of businesses sourced goods and services from other local businesses, compared to 84.8% in 2018, on 94.9% in 2017, 97.7% in 2016 and 96.1% in 2015.
- The results showed businesses sourced staff from all three locations - 34.2% from within 10kms of their business; 31.8% from within Lockhart Shire; and 18.4% from further afield. This indicates an increase in local employment in comparison to the previous year.
- 53.8% of businesses were confident in their ability to attract and retain staff compared to 50% in 2018, 55.2% in 2017, 63.4% in 2016 and 38.2% in 2015.
- 15 employees were apprentices, trainees, work experience students and studying a higher educating qualification, equaling the 2018 figures but down on 22 in 2017.
- 44.74% of businesses felt their staff did not require further training, down from 48.1% in 2018 and 51.6% in 2017.
- 46.8% of businesses require annual certificates and licences, down from 61.54% in 2018.
- 48.6% of businesses do not advertise, a similar result to last year.
- 18.9% of businesses have their own website, down from 25% last year.
- 37.8% of businesses promote on social media, up from 32.2% last year and 28.7% in 2017.
- Advertising in local newspapers was 5.41%, a slight increase from last year's 3.2% and down from 13.6% in 2017 and 26.47% in 2016.
- Only 2 businesses did not use of the internet for work purposes.
- 84.6% of businesses considered it important to have high speed broadband, similar to 2018.
- 21.9% of businesses were very or extremely satisfied with available internet access, a significant increase from only 6% in 2018.
- 90.5% of businesses use email and internet of their mobile phone for businesses, an increase from 78.1% in 2018.
- 90.4% of businesses consider mobile telephone access important to their business.
- 19% of businesses are very or extremely satisfied with their mobile telephone coverage in Lockhart Shire compared to 27.27% in 2018; 40.48% are somewhat satisfied in comparison to 27.27% in 2018 while 23.8% are not at all satisfied.
- 43.9% felt lack of customers/sales were a barrier to business growth, 56% felt rising costs were a barrier while 31.7% felt regulatory environment and lack of people were barriers, all similar to the 2018 figures.
- 9.7% felt lack of infrastructure in the shire was a barrier compared to 6.9% last year and 22.54% in 2017.

- 30.5% felt small business advice and support would assist, up from 20%.
- 27.7% of businesses felt Council could assist with more people in the region, down from 46.6% in 2018.
- 22.2% felt the creation of development opportunities would assist, up from 16.7%.
- 13.8% felt Council could assist with a website for networking and promotion, down from 23.3%.
- 13.3% felt Council could assist with the availability of more local suppliers and contractors, down from 19.4%.
- 11.1% felt better / increased tourism marketing and promotion would assist, down from 30% while 30.5% felt improved marketing and promotion of regional businesses would assist, down from 50%.
- 8.3% felt improved transport access would assist, down from 23.3%.
- 5.5% felt better understanding of government regulations would assist, down from 16.7%.
- 76% of businesses utilised Council's website, down from 86.9% last year.
- 40% contacted Council about applications and permits, down from 56.5% last year.
- 16% downloaded or read the Tourism & Economic Development Strategy, up from 8.7%.
- 13.1% of businesses are members of a local organisation that assists with business, down on last year's 36.3%.

The following businesses were identified as being complementary to existing businesses:

- Grain Trading
- Abattoirs
- Feedlots
- Manufacturing
- Machinery Dealer/Spare Parts
- Veterinarian
- Bakery at The Rock
- Creative industries – copywriting, marketing, website developers, social media managers and graphic designers.

Item	Future Action
Telecommunications	<ul style="list-style-type: none"> • Continue to investigate opportunities to improve telecommunications infrastructure throughout Lockhart Shire
Small Business Support	<ul style="list-style-type: none"> • Host small business forum in Lockhart promoting additional services such as Business Enterprise Centre and Easy to Do Business
Population	<ul style="list-style-type: none"> • Continue to raise profile of Shire to attract more businesses and residents • Continue support for projects including Country Change which promotes opportunities for those moving to the country.
Development	<ul style="list-style-type: none"> • Continue to promote the Investment Attraction Incentives • Support for projects that progress and enable development
Regional Promotion	<ul style="list-style-type: none"> • Continue to promote Lockhart Shire as open for business; to continue the Supporting Local Shopping Campaigns

Integrated Planning and Reporting Reference

B1 - Provide business support to our community.

Legislative Policy and Planning Implications

B1 – Better understand the retail and commercial sector to assist and support a response to filling service gaps.

B1 – Build an informed response to supporting business through the collection of timely and relevant local data.

Budget and Financial Aspects

Nil.

Attachments

Lockhart Shire Business Survey Analysis (attached as a separate document).

Recommendation: That:

- a) outcomes of the business survey be noted and endorsed.
- b) survey results be posted online
- c) survey outcomes be used to inform future strategic decision making in Delivery Programs and budget priorities

326/19

RESOLVED on the motion of Crs Walker and Day that:

- a) outcomes of the business survey be noted and endorsed;
- b) survey results be posted online; and
- c) survey outcomes be used to assist future strategic decision making in Delivery Programs and budget priorities.

STRATEGIC DIRECTION C: An Environment that is Respected and Protected

3. 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 both rural and residential properties, which were selected due to a change of ownership, or to assess the implementation of control measures.

The weeds most commonly found were Bridal creeper (*Asparagus asparagoides*), Horehound (*Marrubium vulgare*), Asparagus weed (*Asparagus* sp.), Cape broom (*Genista monspessulana*), Privet (*Ligustrum* sp.), Sweet briar (*Rosa rubiginosa*), Wild radish (*Raphanus raphanistrum*), Prickly pear (*Opuntia* sp.), Giant reed (*Arundo donax*) and St John's wort (*Hypericum perforatum*).

No. 1 st Inspections	No. Re-inspections required	No. 2 nd Inspections	No. Biosecurity Undertakings Accepted	No. Biosecurity Directions Issued	No. 3 rd Inspections	No. 4 th Inspections
21	8	11	0	0	3	0

Control Program

Priority has been given to the control of Coolatai grass (*Hyparrhenia hirta*), St John's wort (*Hypericum perforatum*), and Horehound (*Marrubium vulgare*) on roadside reserves.

NSW Weeds Action Program Guidelines 2020-2025

On 16 October, the NSW Department of Primary Industries released the final draft of the NSW Weeds Action Program (WAP) Guidelines 2020-2025. Comments were welcome to be submitted by 30 October. These guidelines and comments will be on the agenda for the Regional Weed Coordination meeting in Sydney on 12 and 13 November.

Silverleaf Nightshade Weed Round Up Event

Council's spray operator attended the Silverleaf Nightshade Weed Round Up Event at Morundah on 14 October. The event was hosted by Murrumbidgee Landcare, and the presenter was Dr Hanwen Wu, who is a Principal Research Scientist in the Weed Research Unit of NSW Department of Primary Industries and the co-author of the Silverleaf nightshade best practice management manual.

SOS Riverina Valleys Spray Drift Workshop

Council's spray operator attended the SOS (Stop Off-target Spraying) Riverina Valleys Spray Drift Workshop on 29 October at Hanwood. The workshop included technical updates on preventing spray drift and practical demonstrations of spray qualities and tips for setting up boom sprays.

Pests

Common White Snail Baiting Program

Snail baiting application occurred on Fairview Lane on 24 October. Herbicide application occurred on 29 October.

Spring Fox Baiting Program

Fox baiting commenced on 16 October on the Galore Hill Scenic Reserve and Kincaids Reserve. Replacements of baits continued through until the end of October.

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.

327/19	RESOLVED on the motion of Crs Verdon and Day that the information in this report be noted.
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STRATEGIC DIRECTION D: Infrastructure for the Long Term Needs of the Community

4. ENGINEERING REPORT

(A/DEES/T10-005)

Executive Summary

Monthly report on engineering matters.

Background Information

- (a) *Works Report:* Grading of unsealed roads has continued in accordance with the 12-month programme. Heavy patching on Urana Lockhart Road is progressing as planned and shoulder widening will commence shortly thereafter. All culverts have been delivered for the Flood Detour Rd upgrade with installation scheduled to commence in November 2019. Traffic delays are anticipated on all construction jobs once commenced. Rocky Point Quarries have completed crushing in Thomo's Mine, The Rock and have now moved onto Gooden's Mine where they are expected to finish mid-December.

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

Concrete crew is continuing with the last stage of the HML bridges project being the triple culvert system on Henty Pleasant Hills Road. It is anticipated that the project will be completed by mid-November 2019. Once completed the crew will then undertake culvert works as part of the Flood Detour Road upgrade. This will then be followed by causeway replacement of Lockhart The Rock Road and Bullenbung 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. The Road Safety Officer has also assisted with the preparation of the 'Fixing Country Roads' and 'Fixing Local Roads' grant applications.
- (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 first of the new vehicles has been delivered along with the new water tanker. The remaining vehicles and truck body modifications are due to be delivered in the next few months and the heavy plant 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.

328/19	RESOLVED on the motion of Crs Douglas and Walker that the information be noted.
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5. MAJOR PROJECTS UPDATE – NOVEMBER 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. 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 commenced 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.

329/19	RESOLVED on the motion of Crs Verdon and Sharp that the information be noted.
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6. PARKS AND GARDENS REPORT

(DEES/P10-005)

Executive Summary

Monthly report on parks and gardens.

Report

Swimming Pools

Swim season is here and both our sparkling new pools are open.

A great team effort by all sections of Council and contractors alike has seen the completion of the wonderful new complex at The Rock. We're sure this already popular complex will have a boom season with the addition of the playground, BBQ, basketball hoop and fresh new turf and gardens and are hoping for a repeat of Lockhart's record attendance figures.

Tammy Lenon and Sally Hunter are back for the 2019-20 season and will coordinate lifeguard duties, conduct regular vacuuming and water testing and attended to the amenities buildings, gardens and lawns until March. Council staff will continue to assist the contractors where necessary.

Requests to open the Lockhart pool a few days early due to temperatures in the high 30's were able to be accommodated due to the readiness of the complex and Tammy's willingness. Thank you Tammy.

Inclusive Playground, The Rock Recreation Ground

Quotes have been assessed and a purchase order raised for the playground equipment. Council will work with the chosen provider on the final design details. Installation of the equipment is scheduled for January 2020.

Site preparation, including the repositioning of the Rec Ground entrance has begun.

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 with mowing of all areas being planned before Christmas and being mindful of extreme weather conditions.

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

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.

330/19 RESOLVED on the motion of Crs Douglas and Sharp that the information be noted.

7. 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 October to 31 October 2019.

DA No	Development	Applicant/Owner	Site of Development
10/20	Subdivision	TJ Hinchcliffe & Associates	7 Crown St, The Rock
11/20	New Colorbond shed	T Hume	4 Davidson St, The Rock
12/20	The Rock B & S Ball	The Rock Progress Association	3778 Lockhart The Rock Rd, The Rock
13/20	New Colorbond shed	L Slocum	1-3 Drummond St, Lockhart
14/20	New Colorbond shed	M Bohnke	3822 Lockhart The Rock Rd, The Rock
16/20	Shipping Container	M Bailey	9 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.

331/19 RESOLVED on the motion of Crs Douglas and Rockliff that the information be noted.
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8. DEVELOPMENT APPLICATION 50/19

(MES/P25-010)

Executive Summary

On 21 December 2018, Council received a development application from The Rock Own P/L for a refurbishment of an existing hotel, and the inclusion of a service station, located at Lot 1 DP 1250282, 4760 Olympic Highway, The Rock NSW. The proposal is integrated development as the project also requires approvals under the Roads Act 1993. This application is being reported to Council because of the proposed scale of the development.

Report

Description of Proposal and Location

The Rock Own P/L is seeking development consent to change the use of the existing Kings Own Hotel to a service station, located at Lot 1 DP 1250282, 4760 Olympic Highway, The Rock NSW. The modification introduces a service station to the site, involving the conversion of part of the existing hotel/bar area to accommodate a new service station shop/convenience store. Other parts of the existing building will also be refurbished but will retain their current usage. The proposed site occupies 2.95 hectares and is located on the east side of The Rock, right on the edge of the urban fringe.

Proposed works include:

- The refurbishment of the front hotel with approximately half of the existing area (415m²) to be allocated to a new service station shop/convenience store serving highway users.
- The installation of separate fuel dispenser areas for passenger vehicles and trucks and their provision with all-weather canopies.
- New heavy vehicle access via Mangoplah Road and enhanced site landscaping.

The nearest residence to the proposed site is the dwelling situated less than 200 metres to the south and east, being located along Strevens Street and The Rock Mangoplah Road.

A copy of the Statement of Environmental Effects (SEE) and other requested information has been included as an attachment to this report (attachment 1).

Community Consultation, Exhibition, Notification and Referrals

In accordance with the requirements of the Environmental Planning & Assessment Act 1979 (EP&A Act) and EP&A Regulation the development application and accompanying EIS was placed on public exhibition for 28 days from 16 January 2019 until 15 February 2019. Nine adjoining and nearby property owners were notified in writing, and public notices placed in the Eastern Riverina Chronicle newspaper. Notice of the development application was also given to Roads and Maritime Services (RMS) as the relevant approval body and concurrence authority. From the process of public exhibition, there were no written objections. Two responses were received, citing general support for the proposed development.

Referral to Government Agencies

As mentioned, the development application and accompanying documentation has been referred to the RMS as a relevant integrated approval body, and a copy of their response including the general terms of any approval proposed to be granted ("GTA's") are included within annexure 2.

The RMS have issued their concurrence to the traffic impacts of the proposed development subject to 28 conditions of approval. The documentation received from RMS indicates that the development satisfies their requirements. Correspondence from the RMS also indicates that the RMS is mainly concerned with the provision of safe access between the subject site and the public road network and the impact of the development on the safety and efficiency of the classified road network that includes the Olympic Highway (MR78).

Statutory Framework

CONSENT AUTHORITY

In accordance with the EP&A Act, Lockhart Shire Council is the 'consent authority'.

INTEGRATED DEVELOPMENT

The project is Integrated Development under Section 91 of the EP&A Act and requires the following approvals in addition to development consent:

- An approval under Section 138 of the *Roads Act 1993* because works are proposed to be carried out on classified roads (the Olympic Highway).

STATE ENVIRONMENTAL PLANNING POLICIES (SEPP's)

State Environmental Planning Policy (Infrastructure) 2007

Clause 10 of the State Environmental Planning Policy (Infrastructure) 2007 states that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
- the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - the design of the vehicular access to the land, or
 - the emission of smoke or dust from the development, or
 - the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

A Traffic Impact Assessment has been prepared by the applicant addressing the concerns raised by the SEPP, and RMS have been consulted (as the approval body for the classified road), and granted their terms of approval.

LOCKHART COUNCIL SECTION 94A DEVELOPER CONTRIBUTIONS PLAN

Council has in place a shire-wide Section 94A development contributions plan that requires a developer contribution for most development applications. If development consent is granted for the proposal then a contribution amounting to 1% of the cost of the development is applicable and this amount is \$45,000.

Assessment

The following constitutes an assessment of the proposal against the relevant matters in Section 4.15 (1) of the EP&A Act.

Matters for consideration under Section 4.15 (1) of the EP&A Act

(a)(i) The provisions of any environmental planning instrument

LOCKHART LOCAL ENVIRONMENTAL PLAN 2012 (LEP)

Under the LEP the land is within Zone RU5 Village. The objectives of the zone are to provide for a range of land uses, services and facilities that are associated with a rural village.

In Zone RU5 a "service station" is permitted with consent. It is likely that the development would fall within the definition of "service station" which means the following:

"Service station - means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- the ancillary sale by retail of spare parts and accessories for motor vehicles,*
- the cleaning of motor vehicles,*
- installation of accessories,*
- inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),*
- the ancillary retail selling or hiring of general merchandise or services or both."*

The application has responded to the objectives of the zone through its proposed operations and management, detailed in the SEE.

(a)(ii) Any draft environmental planning instrument that is or has been placed on exhibition and details of which have been notified to the consent authority

Currently there is no draft environmental planning instruments that have been placed on exhibition.

(a)(iii) Any development control plan

LOCKHART SHIRE DEVELOPMENT CONTROL PLAN 2016

The Lockhart Shire Council Development Control Plan 2016 contains development control measures that are aimed at achieving the following:

- to reflect the objective of the Environmental Planning and Assessment Act 1979 (EP&A Act);
- to assist in the administration of Lockhart Local Environmental Plan 2012 (LEP); and
- to provide good planning outcomes for development in the shire.

A review of the development control plan has been undertaken and the proposed service station development does not contravene any of the requirements contained within the Development Control Plan.

(a)(iia) 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

Currently there are no planning agreements or draft planning agreements that have been offered by the developer.

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

Assessment of the development proposal against the provision of the Environmental Planning and Assessment Regulations 2000 has revealed that the development proposal was notified in accordance with the requirements of the Regulations and that there are no other matters that affect the proposed development.

(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

The following table is an assessment against these impacts.

<p>Context and Setting:</p> <p>What impact the development will have (in both the regional and local context) in terms of:</p> <ul style="list-style-type: none"> • The scenic qualities and features of the landscape. • The character and amenity of the locality and streetscape. • The scale (bulk, height, mass) form, character, density and the design of the development in the locality. <p>What the potential impacts of the development are on adjacent properties in terms of:</p> <ul style="list-style-type: none"> • Relationship and compatibility of adjacent land uses. • Sunlight access (overshadowing). • Visual and acoustic privacy. • Views and vistas. • Edge conditions such as boundary treatments and fencing. 	<p>The site is located on the outer fringe of The Rock village zone, surrounded by a mix of rural farm land, vacant residential land and occupied residential land.</p> <p>There will be only one entrance to the site, that being off the Olympic Highway, which is located in a 70kmph speed zone.</p> <p>There are no footpaths and typically no foot traffic along this section of the road corridor, however a small bus shelter/vehicle rest area is located opposite the site.</p> <p>There are no significant geological or historical features within the immediate vicinity of the site, however land surrounding the site is generally tidy and well maintained.</p>
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<p>Access, transport and traffic</p> <p>Will the development provide:</p> <ul style="list-style-type: none"> • Accessibility and transport management measures for vehicles, bicycles and the disabled within the development and locality. • Safe vehicular access points. <p>What impacts will occur on:</p> <ul style="list-style-type: none"> • Traffic generation and the capacity of the local and main road network. • Ribbon development along roads. • Road surfaces. • Any traffic management schemes. • Vehicle parking spaces. 	<p>A traffic impact assessment report has been provided by the applicant, and has been updated to reflect the requirements of the NSW RMS.</p>
<p>Public Domain</p> <p>How the development would impact on:</p> <ul style="list-style-type: none"> • Public recreational opportunities in the locality. • Amount, location, design use and management of public spaces in and around the development. • Pedestrian linkages and access between development and public areas. 	<p>Along both the Olympic Highway and The Rock Mangoplah Road there is very little (if any) pedestrian foot traffic immediately adjacent to the site. No recreation spaces or public domains are adjoining or adjacent to the site.</p>
<p>Utilities</p> <p>Does the development address:</p> <ul style="list-style-type: none"> • The availability and capacity of reticulated water supply, sewer, electricity and gas networks to accommodate the needs of the development. • The need to connect to reticulated utility services. • The appropriateness of alternatives to reticulated utility services. • The impact of utility provision on the environment. 	<p>Mains potable water is already connected to the land, and given the site is already used as a hotel and motel, additional usage as a result of the development is unlikely to be excessive.</p> <p>The existing buildings are connected via a low-pressure sewer pump unit to Council's sewer system. The pump unit and associated infrastructure are less than 2 years old, and should adequately service the site.</p> <p>Mains electricity is already connected to the land and associated buildings, and there is adequate capacity to support the operations of the development.</p>
<p>Heritage</p> <p>How the development would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic heritage significance of the property or adjacent properties, including:</p> <ul style="list-style-type: none"> • The heritage significance of items, landscapes, areas, places, relics and practices. • Whether a heritage study of the item or area is necessary to address any impact. 	<p>The Railway precinct is an environmental heritage item of state significance, and the main buildings and components of the service station are located approximately 300m from the heritage item.</p> <p>The Lockhart Local Environmental Plan recognizes The Rock heritage conservation area, which encompasses the Urana Street Avenue of Honour, The Rock Railway precinct and adjoining streets, however with the proposed development site located outside of this area.</p> <p>As such there are no matters of concern with respect to heritage.</p>

<p>Land Resources</p> <p>Whether the development will have any effect on:</p> <ul style="list-style-type: none"> • The current and potential agricultural productivity of the land. • Reducing the area of available crop and pasture land. • The future recovery from known sources of minerals, sand, gravel or other extractive materials. • The ability of adjoining land to continue with agricultural activity. • Water supply catchments. • Land rehabilitation works. 	<p>There is no reduction of primary production land, with the service station restricted entirely to RU5 Village land. Much of the site is well underutilised, with no history of residential development. The site is located in The Rock flood planning area, and is subject to bushfire planning restrictions, to heavy traffic and noise impacts from the Olympic Highway, close proximity to a major freight and passenger rail line, and The Rock Mangoplah Road.</p>
<p>Water</p> <p>Whether the development will impact on:</p> <ul style="list-style-type: none"> • The water needs of the development and the locality. • Water conservation through the use of water saving or efficient devices or practices. • The source of water supply on the site and the locality. • Water quality through treatment, reuse and disposal of waste water and run-off. • Drainage flows within and from the site. • Groundwater. 	<p>No groundwater extraction is proposed, nor any on-site harvesting from overland flow of rainwater.</p> <p>Flood planning controls apply to the site, as recognized by The Rock Flood Study and The Rock Floodplain Risk Management Study and Plan. Specifically, the site is subject to overland flow of floodwaters, however flood mitigation works undertaken by Council have reduced the impacts of localized flooding in this area.</p>
<p>Soils</p> <p>Whether the development will impact on:</p> <ul style="list-style-type: none"> • soil qualities – erodibility, salinity, fertility, contamination. • soil erosion and degradation. • sedimentation and pollution of water bodies. • agricultural productivity. • existing contaminated land. 	<p>The is no indication that the land is considered to be contaminated as a result of past or present uses. Council and the NSW Environment Protection Authority recognise the potential implications of land contamination from underground petroleum storage systems (UPSS), however these effects can be mitigated by ensuring the developer maintains compliance with:</p> <ul style="list-style-type: none"> - Australian Standard 4897 - The design, installation and operation of underground petroleum storage Systems; and - The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019.
<p>Air</p> <p>Whether the development will impact on existing air quality through emissions of dust particles, fumes, gases and pollutants.</p> <p>What measures are proposed to prevent air pollution.</p>	<p>The development will see an increase in production of dust and exhaust fumes, predominantly from vehicle movements to, within and from the site.</p> <p>Council will require all trafficable areas, including parking, to be sealed, to minimise effects of dust on the surrounding land.</p> <p>Storage and pumping of petroleum products will also result in fumes and odours, with ventilation from Underground Petroleum Storage Systems required. Fortunately, the site is located east of the township and generally clear of residential development, allowing ventilation of UPSS into large open space.</p>

<p>Flora and fauna</p> <p>Does the development address:</p> <ul style="list-style-type: none"> • protection and management of critical habitats and threatened species. • adjacent areas of natural habitat. • wildlife corridors and remnant vegetation. • weeds, feral animal activity vermin and disease. • native fauna and habitats. • the removal of native vegetation. • rehabilitation of natural habitat. 	<p>There is no mention of removal of vegetation as part of the development, however based on the plans provided, some removal of native vegetation is required.</p> <p>The Biodiversity Offsets Scheme Threshold is a test used to determine when it is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method (the BAM) to assess the impacts of a proposal. Based on an assessment of the plans, the Biodiversity offsets scheme does not apply.</p> <p>Buildings and infrastructure are already in place, and most tree removal is to provide for clear vehicle driveways and parking areas.</p>
<p>Waste</p> <p>Does the development provide appropriate waste facilities and controls for:</p> <ul style="list-style-type: none"> • solid, liquid and gaseous wastes and litter. • the generation, collection, storage and disposal of waste. • recycling and composting waste. • On-site disposal waste where reticulated sewer is not available. 	<p>No specific details have been given by the applicant with respect to building and construction waste from the refurbishment of existing buildings. Asbestos contaminated materials are likely to be present in the buildings, and Council will require the applicant to submit a full waste management plan prior to commencement of construction.</p> <p>General waste services are available for purchase through Council, including for commercial development, however it is likely that the developer will make their own commercial arrangements.</p>
<p>Noise</p> <p>Does the development have regard to the impact on:</p> <ul style="list-style-type: none"> • ambient noise levels in the locality, taking into account prevailing meteorological conditions. • adjoining property. • hours of operation or duration of any noise generating source. 	<p>Obvious noise impacts from the development will be from mechanical exhausts and condenser units on buildings and associated infrastructure, but most specifically from vehicles traversing on the land, with doors opening/closing and engines starting, and braking noise.</p> <p>The facility is proposed to operate on a 24-hour basis, 7 days per week.</p> <p>There are existing residences located around the site that will be subject to noise from the development, and an acoustic impact report submitted with the application anticipates that noise from the development will not exceed the noise level criteria applied by the NSW EPA's Noise Policy for Industry.</p>

<p>Natural Hazards</p> <p>If the land is prone to flooding, is the land likely to:</p> <ul style="list-style-type: none"> • be above the one percent flood level. • change the flow of floodwaters to the detriment of other property. • endanger life or property in times of flood. • exacerbate the damage caused by floodwater. • pollute floodwaters. • maintain access in times of flood. • be capable of withstanding the force of floodwaters. <p>If the land or the development is considered to be a medium or high bushfire hazard, is there adequate:</p> <ul style="list-style-type: none"> • access for fire fighting vehicles. • precautions by way of fire breaks, escape routes, fire resistant building materials and the like. • water reserves available for firefighting. 	<p>The land is located in The Rock flood planning area, as identified by The Rock Floodplain Risk Management Study and Plan. Flooding behaviour is the result of overland flow of floodwaters. The site is exposed to varied levels of flood hazard risk, with existing buildings and the main car park/entrance and fuel dispensing areas of low or nil flood hazard risk. The area set aside on the site plan for heavy vehicle and truck parking is of high flood hazard, however flood mitigation activities undertaken by Council in 2018, and planned for 2020, are designed to reduce the impacts of flooding in the area.</p> <p>The land is considered to be bushfire prone land, with areas of vegetation classed as category 1 bushfire prone vegetation, and all surrounding areas in a buffer area. The vegetation is remnant woodland, managed largely by grazing, with little or no understorey. There is ample open space surrounding the development site for maintenance of asset protection zones, as required by Planning for Bushfire Protection 2006, and a fire fighting system is required to be installed as per Australian Standards. An emergency Management Plan will be required from the applicant, to demonstrate emergency protocols including for site evacuation.</p>
<p>Social</p> <p>What impacts will the development have in terms of:</p> <ul style="list-style-type: none"> • the health and safety of the community. • community structure, character, values and beliefs. • community facilities. • population growth. 	<p>No foreseeable negative impacts are likely as a result of the proposed development. The facility is proposed to operate on a 24-hour basis, 7 days per week, which means greater availability of services for residents, and it may encourage more people to stop in The Rock and take advantage of local facilities. The existing liquor license will be retained as part of the development, and this highlights social implications with respect to drink driving and alcohol-related activities.</p>
<p>Economic</p> <p>What impacts will the development have in terms of:</p> <ul style="list-style-type: none"> • employment generation. • capital investment. • other businesses. • economic growth. 	<p>It is proposed that the service station would generate employment for 10 people - involving full-time and part-time staff working across different shifts. The applicant seeks to invest over \$4,000,000 in developing the site, with potential for use of local trades.</p>

Suitability of the site

The site is conveniently located with direct access to the Olympic Highway and The Rock Mangoplah Road, and on the urban fringe of The Rock village area. Although noise and traffic impacts are likely, they are restricted to non-built up residential areas.

It has been discussed that the proposed development has been able to gain the approval of the RMS. On completion of specified works the access to the service station site will be adequate and the RMS is satisfied that there will be no adverse effects on the ongoing use of the Olympic Highway and The Rock Mangoplah Road. It is therefore considered that the site is considered to be suitable for the proposed service station development.

Any Submissions Made in Accordance with the Act or the Regulations

The proposal was referred to NSW RMS under the provisions of Integrated and the responses received have already been discussed.

Two submissions were submitted to Council in response to the notification of the development undertaken in accordance with the EPA Act and EPA Regulations. Neither of the submission raised objections to the development.

The Public interest

It is in the public interest to support development that provides an overall benefit to the community, which responds to the intentions of planning controls, provides investment, is located on a suitable site, responds to the constraints and features of the site, is sufficiently serviced and mitigates against the adverse impacts associated with the development.

Equally important, it is in the public interest to protect existing residents and the wider community from development that is unsuitable, that will have overall adverse impacts upon their livelihood, and where these adverse impacts cannot be overcome.

In relation to this proposal, there is an overall benefit to the public in supporting the development of the current Kings Own Hotel site, as the proposed use is suitable for the site. Measures to reduce the impacts of the proposal on those located closest to the infrastructure have been included within the development plan.

Traffic impacts associated with the development are minimal and the RMS has issued its concurrence for the development. Consequently, having regard to the issues raised and discussed in this report, it is considered that the proposal is not contrary to the public interest.

Conclusion

In making a decision as the consent authority under the EP&A Act, Council can:

1. approve the application, subject to conditions;
2. defer the application for further information or redesign;
3. refuse the application.

After considering the requirements of Section 4.15(1) of the EP&A Act, the proposal is recommended for approval subject to conditions.

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

1. Statement of Environmental Effects.
2. General Terms of Approval, NSW Roads and Maritime Services.
3. Site Plan.

Recommendation: That 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 Highway, The Rock NSW. The proposal is recommended for approval subject to the following conditions:

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

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

2. **SIGNS TO BE ERECTED ON ALL BUILDING AND DEMOLITION SITES**

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

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

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

REASON: To ensure the development complies with the requirements imposed under the Environmental Planning and Assessment Regulations 2000, as amended, and the Environmental Planning and Assessment Act 1979, as amended.

3. **NOTICE OF COMMENCEMENT OF WORKS**

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

REASON: Because it is in the public interest that Council receive notification in accordance with the provisions of the Environmental Planning and Assessment Act 1979, as amended.

4. **SITE DIMENSIONS AND MEASUREMENTS**

It is the responsibility of the owner of the land to ensure that all site dimensions and measurements are accurate.

5. **APPROVED PLANS NOT TO BE DEPARTED FROM**

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

6. **LOADING OF VEHICLES (DURING WORKS)**

For the purposes of safety and preventing obstruction, all vehicles being loaded and/or unloaded shall stand wholly within the premises.

7. **HOURS OF WORK**

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

8. **ADVERSE EFFECTS**

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

9. **PROTECTION TO COUNCILS ASSET**

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

10. EROSION & SEDIMENT CONTROL

Prior to commencement of works erosion & sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. Such measures are to remain in place until the project has been completed and the land suitably rehabilitated and stabilised.

11. BUILDING DEBRIS

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

12. PRIOR TO THE ISSUE OF A 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.

13. 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 \$45,000.

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).

14. 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.

15. EVACUATION PLAN

An evacuation plan shall be prepared for the site and shall address the protocols required for the management of emergencies, including bushfire events which may warrant the relocation of customer's and staff and vehicles from the development site. A Copy of the Evacuation Plan shall be provided to the local District Officer of the NSW Rural Fire Service and the Local Emergency Management Committee. The Evacuation Plan shall comply with AS 3745 -2002 "Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces".

16. UNDERGROUND PETROLEUM STORAGE SYSTEMS (UPSS)

Any underground petroleum storage system installed on the land must:

- be appropriately designed, installed and commissioned by duly qualified persons in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 ('the Regulation');
- have minimum mandatory pollution protection equipment installed, consistent with the Regulation, comprising non-corrodible secondary containment tanks and associated pipework and overfill protection devices;
- have groundwater monitoring wells installed and tested in accordance with the Regulation;

- have a certificate showing that an equipment integrity test (EIT) has been carried out in line with the written directions of duly qualified persons.

A new UPSS can only be commissioned once all these requirements have been met, and copies of all paperwork as listed in Schedule C of AS 4897–2008: The design, installation and operation of underground petroleum storage systems have been provided to Council.

17. OPERATIONAL MANAGEMENT OF A NEW UPSS

The sites must have an Environment Protection Plan in place. Procedures must also be prepared and documented for loss monitoring and detection and incident management.

18. INSTALLATION OF GROUNDWATER MONITORING WELLS ON UPSS SITES

The site must have groundwater monitoring wells designed and installed by duly qualified persons in accordance with relevant industry standards. The person responsible for the system must ensure that the duly qualified persons provide details of specifications relevant to the design and installation of the wells. Groundwater monitoring wells must be:

- sealed to exclude surface water
- constructed to prevent cross-contamination with other groundwater monitoring wells
- clearly marked to indicate their presence and properly secured
- tested for hydrocarbon contamination at minimum intervals of six months.

19. TRADE WASTE APPROVAL

Prior to the issue of any Construction Certificate a person wishing to discharge liquid trade waste to the sewerage system must under Section 68 of the Local Government Act 1993 and Council's Liquid Trade Waste Regulation Policy, obtain prior approval from Council. Discharging liquid trade waste without an approval is an offence under section 626 of the Act.

The applicant shall submit detailed sewer layout plans including pre-treatment equipment to allow for the discharge of liquid trade waste to sewer.

Trade waste material is not to be discharged into Council's sewer system and/or stormwater system, without first obtaining such written approval. All conditions of the approval must be complied with.

20. PONDING TO NEIGHBOURS (DURING CONSTRUCTION)

All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.

21. PLUMBING AND DRAINAGE WORKS (PRIOR TO WORKS)

Any sewer or stormwater works resulting from the development are to meet the requirements of the AS3500 and the Plumbing Code of Australia. Where works are required, it will be necessary to contact a Licensed Plumber and Drainer.

A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site. Further, a final inspection must be carried out upon completion of plumbing and drainage work prior to occupation/use of the development.

22. VEGETATION COVER (PRIOR TO CC)

Prior to the release of the Construction Certificate the applicant is to provide Council with a detailed report identifying all native vegetation on the land that will be subject to damage, potential damage, or removal, as part of the proposed works.

23. NSW RURAL FIRE SERVICE CONDITIONS

- 23.1 The proposal shall comply with the recommendations detailed in Section 6 of the Bushfire Protection Assessment prepared by Australian Bushfire Protection Planners P/L, dated 12/12/2018 ref: B183277.

23.2 Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- a) At the commencement of building works, and in perpetuity, the land shall be managed as an Asset Protection Zone as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

23.3 Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- a) Installation of water, electricity and gas proposed by this application are to comply with section 4.1.3 of 'Planning of Bush Fire Protection 2006'.

23.4 Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

- a) Construction of property access roads proposed by this application shall comply with section 4.1.3(2) of 'Planning for Bush Fire Protection 2006'.

23.5 Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- a) New construction relating to the existing motel rooms shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

24. ROADS AND MARITIME SERVICES CONDITIONS:

- a) The development site is restricted to a maximum of one (1) driveway to the Olympic Highway. Redundant driveways between the development site and the Olympic Highway shall be removed and the road reserve reinstated to match the surrounding roadside landform in accordance with Council requirements prior to operation of the service station.
- b) The driveway to the Olympic Highway shall provide for entry and exit for light vehicles and be restricted to ingress only for heavy vehicles as per the revised plans prepared by GTA Consultants dated 3 September 2019. Heavy vehicle egress from the site shall be via the driveway to Mangoplah Road. The designated internal travel paths shall be appropriately signposted and line marked at the driveways and the vehicle circulation areas within the site. Any island treatments within the development site to separate light and heavy vehicle circulation shall be constructed as raised concrete median structures.
- c) The proposed access driveway to the Olympic Highway shall include a raised concrete island to separate the ingress and egress lanes. The splitter island shall not protrude onto the carriageway of the Olympic Highway. Associated directional marking and signage is to be installed in accordance with Australian Standards.
- d) Access to and through the development shall be as per the revised plans prepared by GTA Consultants dated 3 September 2019. The heavy vehicle bowser canopy and parking shall be restricted to one-way movement with ingress from the Olympic Highway and egress shall be restricted to one-way movement with ingress from the Olympic Highway and egress to Mangoplah Road. Access through the light vehicle bowser canopy area shall be in a clockwise direction. Appropriate signage and line marking is to be installed and maintained on the subject site to enforce this requirement.

- e) As a minimum the driveway to the Olympic Highway shall be constructed and the roadside maintained to provide the required Sight Distance criteria in either direction along the carriageway in accordance with the Austroads Publications as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit.
- f) The driveways to the development site shall be designed and constructed so that vehicles turning between the development site and either the Olympic Highway or Mangoplah Road are not required to cross to the opposing travel lane of the roadway or driveway in order to perform a turn manoeuvre.
- g) As a minimum a sealed Channelised Right Turn (CHR) and Auxiliary Left Turn - Short (AUL(s)) treatment with painted medians shall be constructed on the Olympic Highway at its intersection with the proposed access driveway in accordance with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit. The turn lanes shall provide stacking for at least 1 design vehicle plus 1 light vehicle clear of the travel lanes on the highway. The lane widths within the Olympic Highway shall be at least 3.5 metres.
- h) The median treatment between required right turn treatment to the development site and the existing right turn treatment to Urana Street shall be designed and constructed to provide a continuous lateral shift for the north bound lane of the Olympic Highway between Urana Road and north of the access driveway to the development site.
- i) The proposed development shall provide and maintain sufficient clear area on the subject site to allow for the storage of all vehicles within the site. At no time shall vehicles be required to queue onto the road reserve of the Olympic Highway. Storage for at least one (1) design vehicle shall be provided and maintained to the rear of a design vehicle refuelling at each of the heavy vehicle bowlers clear of the circulation path of vehicles using the exit laneway to the Olympic Highway.
- j) The proposed driveway and intersection treatment shall not interfere with left turn ingress to and egress from the bus stops located on both sides of the carriageway of the Olympic Highway.
- k) As a minimum all driveways shall be sealed from the edge of seal of the carriageway to the property boundary. All vehicle movement and parking areas required for the service station development within the subject site shall be sealed.
- l) As a minimum the off-street car park associated with the proposed development including driveway design and location, internal aisle widths, parking bay dimensions and loading bays shall be in accordance with AS 2890.1-2004 "Off-street car parking", AS 2890.2-2002 "Off-street commercial vehicle facilities" and the Austroads Guide to Traffic Management Part 11: Parking.
- m) The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability to and through the site is to be in accordance with AS 2890.2-2002 "Off-street commercial vehicle facilities" and to Council's satisfaction. For road safety reasons the layout of the development and any access driveway shall be designed to allow all vehicles to enter and exit the subject site in a forward direction and not be required to reverse onto the adjoining road reserve.
- n) Any landscaping, fencing and signage to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance to pedestrians for motorists entering and exiting the site to minimise conflict in accordance with AS 2890.1-2004 "Off-street car parking".

- o) Facilities shall be installed to facilitate safe movement of pedestrians within the development site. To assist safe movement of pedestrians within the site traffic calming measures and entrance treatments are to be installed to control speeding vehicles and to reduce vehicular/pedestrian conflict. Pedestrian crossing stripes are not to be placed in the site as these resemble pedestrian crossings on the road and creates confusion as to who has priority.
- p) Internal vehicular manoeuvring aisles, parking areas and loading bays shall be maintained clear of obstruction and used exclusively for purposes of vehicle access, parking and loading/unloading. This is to provide for the ease of circulation of vehicles within the development site. Under no circumstances shall these areas be used for the storage of goods or waste receptacles or any other purpose.
- q) On-street parking shall be denied along the frontage of the development site to the Olympic Highway and Mangoplah Road. A full-time “No Stopping” restriction is to be implemented along both sides of the Olympic Highway and Mangoplah Road for the full frontage of the subject property prior to commencement of any works.
- r) The provision of on-site parking for heavy and light vehicles, including vehicles with trailers in tow, associated with the development shall be in accordance with Council requirements. The number of spaces shall be the cumulative number to service all the land uses on the subject site. All car parking spaces shall be provided on-site and not be compensated by on-street parking in the vicinity. Parking, particularly disabled parking is to be located with convenient access to the entry doors of the premises.
- s) All activities including, loading and unloading associated with this development are to take place within the subject site. Fill points for petrol and gas storage are to be located so that tankers can stand clear of access driveways and not impede on access to and from the subject site. A plan is to be submitted to indicate compliance with this condition prior to release of the Construction Certificate.
- t) The intersection of the Olympic Highway and the access driveway shall be designed and constructed so as not to interfere with the capacity of the current roadside drainage network and to prevent water from proceeding onto, or ponding within, the carriageway of the highway. If a culvert is to be installed and is to be located within the clear zone of the carriageway for the posted speed zone it is to be constructed with a traversable type headwall.
- u) Stormwater run-off from the subject site onto the adjoining road reserve as a result of the proposed development is not to exceed the existing level of run-off from the subject site. Suitable provision should be made to retard any increased storm water run-off from the site. Suitable drainage treatment is to be implemented to deny contaminated storm water run-off from the subject site to the road reserve of the Olympic Highway.
- v) Any damage or disturbance to the road reserve of the Olympic Highway shall be restored to match surrounding roadside landform in accordance with Council requirements. The pavement at the intersections of the proposed driveway and Mangoplah Road with the Olympic Highway shall be constructed to accommodate the turning traffic generated by the development.
- w) Prior to the commencement of any works on site, a management plan to address construction activity access and parking is to be prepared (and a copy provided to council) to ensure that suitable provision is available on site for all vehicles associated with the on-site works for the construction of the development to alleviate any need to park within, or load/unload from the road reserve of the Olympic Highway. The storage of any material within the road reserve is denied. Appropriate signage and fencing is to be installed and maintained to effect this requirement.

- x) The Olympic Highway is part of the State Road network. For works undertaken on the carriageway of the State Road network by or on behalf of a private entity the developer is required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services before finalising the design or undertaking any construction work within or connecting to the road reserve. The developer is required to submit detailed design plans and all relevant additional information, as may be required in the Works Authorisation Deed documentation, for each specific change to the state road network for assessment and approval by Roads and Maritime Services. The applicant is to contact the Land Use Manager for the South West Region on Ph. 02 6923 6611 for further detail.
- y) All works undertaken within the road reserve of the Olympic Highway shall be designed and constructed to the satisfaction of Roads and Maritime Services and in accordance with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services. Detailed dimensioned plans demonstrating compliance with all conditions relating to works within the road reserve shall be submitted to the satisfaction of Roads and Maritime Services for approval prior to release of the Construction Certificate. The design and specifications for these works and pavement must be completed and certified by an appropriately qualified person. The pavement standards are to be in accordance with the requirements of Roads and Maritime Services for the proposed turning traffic. The design vehicle for this development is the PBS 2 (30 metre) road-train.
- z) Any works within the road reserve of a Classified Road requires approval from the Council and concurrence from Roads and Maritime Services under section 138 of the Roads Act 1993 prior to commencement of any such works. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed development and as required by the various public utility authorities and/or their agents.
- aa) Any proposed signage to be erected in relation to the proposed development is not approved and shall be subject to the submission of a further Development Application. This is required as the submitted information provides limited details regarding proposed advertising signage.
- bb) Any works associated with the development shall be at no cost to Roads and Maritime Services.

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RESOLVED on the motion of Crs Day and Verdon that 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 Highway, The Rock NSW, subject to the following conditions:

1. COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA

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

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

2. SIGNS TO BE ERECTED ON ALL BUILDING AND DEMOLITION SITES

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

- stating that unauthorised entry to the site is prohibited, and
- showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours

- the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.

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

REASON: To ensure the development complies with the requirements imposed under the Environmental Planning and Assessment Regulations 2000, as amended, and the Environmental Planning and Assessment Act 1979, as amended.

3. NOTICE OF COMMENCEMENT OF WORKS

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

REASON: Because it is in the public interest that Council receive notification in accordance with the provisions of the Environmental Planning and Assessment Act 1979, as amended.

4. SITE DIMENSIONS AND MEASUREMENTS

It is the responsibility of the owner of the land to ensure that all site dimensions and measurements are accurate.

5. APPROVED PLANS NOT TO BE DEPARTED FROM

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

6. LOADING OF VEHICLES (DURING WORKS)

For the purposes of safety and preventing obstruction, all vehicles being loaded and/or unloaded shall stand wholly within the premises.

7. HOURS OF WORK

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

8. ADVERSE EFFECTS

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

9. PROTECTION TO COUNCILS ASSET

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

10. EROSION & SEDIMENT CONTROL

Prior to commencement of works erosion & sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. Such measures are to remain in place until the project has been completed and the land suitably rehabilitated and stabilised.

11. BUILDING DEBRIS

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

12. PRIOR TO THE ISSUE OF A 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.

13. 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 \$45,000.

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).

14. 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.

15. EVACUATION PLAN

An evacuation plan shall be prepared for the site and shall address the protocols required for the management of emergencies, including bushfire events which may warrant the relocation of customer's and staff and vehicles from the development site. A Copy of the Evacuation Plan shall be provided to the local District Officer of the NSW Rural Fire Service and the Local Emergency Management Committee. The Evacuation Plan shall comply with AS 3745 -2002 "Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces".

16. UNDERGROUND PETROLEUM STORAGE SYSTEMS (UPSS)

Any underground petroleum storage system installed on the land must:

- be appropriately designed, installed and commissioned by duly qualified persons in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 ('the Regulation');
- have minimum mandatory pollution protection equipment installed, consistent with the Regulation, comprising non-corrodible secondary containment tanks and associated pipework and overflow protection devices;
- have groundwater monitoring wells installed and tested in accordance with the Regulation;
- have a certificate showing that an equipment integrity test (EIT) has been carried out in line with the written directions of duly qualified persons.

A new UPSS can only be commissioned once all these requirements have been met, and copies of all paperwork as listed in Schedule C of AS 4897-2008: The design, installation and operation of underground petroleum storage systems have been provided to Council.

17. OPERATIONAL MANAGEMENT OF A NEW UPSS

The sites must have an Environment Protection Plan in place. Procedures must also be prepared and documented for loss monitoring and detection and incident management.

18. INSTALLATION OF GROUNDWATER MONITORING WELLS ON UPSS SITES

The site must have groundwater monitoring wells designed and installed by duly qualified persons in accordance with relevant industry standards. The person responsible for the system must ensure that the duly qualified persons provide details of specifications relevant to the design and installation of the wells. Groundwater monitoring wells must be:

- sealed to exclude surface water
- constructed to prevent cross-contamination with other groundwater monitoring wells
- clearly marked to indicate their presence and properly secured
- tested for hydrocarbon contamination at minimum intervals of six months.

19. TRADE WASTE APPROVAL

Prior to the issue of any Construction Certificate a person wishing to discharge liquid trade waste to the sewerage system must under Section 68 of the Local Government Act 1993 and Council's Liquid Trade Waste Regulation Policy, obtain prior approval from Council. Discharging liquid trade waste without an approval is an offence under section 626 of the Act.

The applicant shall submit detailed sewer layout plans including pre-treatment equipment to allow for the discharge of liquid trade waste to sewer.

Trade waste material is not to be discharged into Council's sewer system and/or stormwater system, without first obtaining such written approval. All conditions of the approval must be complied with.

20. PONDING TO NEIGHBOURS (DURING CONSTRUCTION)

All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.

21. PLUMBING AND DRAINAGE WORKS (PRIOR TO WORKS)

Any sewer or stormwater works resulting from the development are to meet the requirements of the AS3500 and the Plumbing Code of Australia. Where works are required, it will be necessary to contact a Licensed Plumber and Drainer.

A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site. Further, a final inspection must be carried out upon completion of plumbing and drainage work prior to occupation/use of the development.

22. VEGETATION COVER (PRIOR TO CC)

Prior to the release of the Construction Certificate the applicant is to provide Council with a detailed report identifying all native vegetation on the land that will be subject to damage, potential damage, or removal, as part of the proposed works.

23. NSW RURAL FIRE SERVICE CONDITIONS

23.1 The proposal shall comply with the recommendations detailed in Section 6 of the Bushfire Protection Assessment prepared by Australian Bushfire Protection Planners P/L, dated 12/12/2018 ref: B183277.

23.2 Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- a) At the commencement of building works, and in perpetuity, the land shall be managed as an Asset Protection Zone as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006'

and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

23.3 Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- a) Installation of water, electricity and gas proposed by this application are to comply with section 4.1.3 of 'Planning of Bush Fire Protection 2006'.

23.4 Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

- a) Construction of property access roads proposed by this application shall comply with section 4.1.3(2) of 'Planning for Bush Fire Protection 2006'.

23.5 Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- a) New construction relating to the existing motel rooms shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

24. ROADS and MARITIME SERVICES CONDITIONS:

- a) The development site is restricted to a maximum of one (1) driveway to the Olympic Highway. Redundant driveways between the development site and the Olympic Highway shall be removed and the road reserve reinstated to match the surrounding roadside landform in accordance with Council requirements prior to operation of the service station.
- b) The driveway to the Olympic Highway shall provide for entry and exit for light vehicles and be restricted to ingress only for heavy vehicles as per the revised plans prepared by GTA Consultants dated 3 September 2019. Heavy vehicle egress from the site shall be via the driveway to Mangoplah Road. The designated internal travel paths shall be appropriately signposted and line marked at the driveways and the vehicle circulation areas within the site. Any island treatments within the development site to separate light and heavy vehicle circulation shall be constructed as raised concrete median structures.
- c) The proposed access driveway to the Olympic Highway shall include a raised concrete island to separate the ingress and egress lanes. The splitter island shall not protrude onto the carriageway of the Olympic Highway. Associated directional marking and signage is to be installed in accordance with Australian Standards.
- d) Access to and through the development shall be as per the revised plans prepared by GTA Consultants dated 3 September 2019. The heavy vehicle bowser canopy and parking shall be restricted to one-way movement with ingress from the Olympic Highway and egress to Mangoplah Road. Access through the light vehicle bowser canopy area shall be in a clockwise direction. Appropriate signage and line marking is to be installed and maintained on the subject site to enforce this requirement.
- e) As a minimum the driveway to the Olympic Highway shall be constructed and the roadside maintained to provide the required Sight Distance criteria in either direction along the carriageway in accordance with the Austroads Publications

- as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit.
- f) The driveways to the development site shall be designed and constructed so that vehicles turning between the development site and either the Olympic Highway or Mangoplah Road are not required to cross to the opposing travel lane of the roadway or driveway in order to perform a turn manoeuvre.
 - g) As a minimum a sealed Channelised Right Turn (CHR) and Auxiliary Left Turn - Short (AUL(s)) treatment with painted medians shall be constructed on the Olympic Highway at its intersection with the proposed access driveway in accordance with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit. The turn lanes shall provide stacking for at least 1 design vehicle plus 1 light vehicle clear of the travel lanes on the highway. The lane widths within the Olympic Highway shall be at least 3.5 metres.
 - h) The median treatment between required right turn treatment to the development site and the existing right turn treatment to Urana Street shall be designed and constructed to provide a continuous lateral shift for the north bound lane of the Olympic Highway between Urana Road and north of the access driveway to the development site.
 - i) The proposed development shall provide and maintain sufficient clear area on the subject site to allow for the storage of all vehicles within the site. At no time shall vehicles be required to queue onto the road reserve of the Olympic Highway. Storage for at least one (1) design vehicle shall be provided and maintained to the rear of a design vehicle refuelling at each of the heavy vehicle bays clear of the circulation path of vehicles using the exit laneway to the Olympic Highway.
 - j) The proposed driveway and intersection treatment shall not interfere with left turn ingress to and egress from the bus stops located on both sides of the carriageway of the Olympic Highway.
 - k) As a minimum all driveways shall be sealed from the edge of seal of the carriageway to the property boundary. All vehicle movement and parking areas required for the service station development within the subject site shall be sealed.
 - l) As a minimum the off-street car park associated with the proposed development including driveway design and location, internal aisle widths, parking bay dimensions and loading bays shall be in accordance with AS 2890.1-2004 "Off-street car parking", AS 2890.2-2002 "Off-street commercial vehicle facilities" and the Austroads Guide to Traffic Management Part 11: Parking.
 - m) The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability to and through the site is to be in accordance with AS 2890.2-2002 "Off-street commercial vehicle facilities" and to Council's satisfaction. For road safety reasons the layout of the development and any access driveway shall be designed to allow all vehicles to enter and exit the subject site in a forward direction and not be required to reverse onto the adjoining road reserve.
 - n) Any landscaping, fencing and signage to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance to pedestrians for motorists entering and exiting the site to minimise conflict in accordance with AS 2890.1-2004 "Off-street car parking".
 - o) Facilities shall be installed to facilitate safe movement of pedestrians within the development site. To assist safe movement of pedestrians within the site traffic calming measures and entrance treatments are to be installed to control speeding vehicles and to reduce vehicular/pedestrian conflict. Pedestrian

- crossing stripes are not to be placed in the site as these resemble pedestrian crossings on the road and creates confusion as to who has priority.
- p) Internal vehicular manoeuvring aisles, parking areas and loading bays shall be maintained clear of obstruction and used exclusively for purposes of vehicle access, parking and loading/unloading. This is to provide for the ease of circulation of vehicles within the development site. Under no circumstances shall these areas be used for the storage of goods or waste receptacles or any other purpose.
 - q) On-street parking shall be denied along the frontage of the development site to the Olympic Highway and Mangoplah Road. A full-time “No Stopping” restriction is to be implemented along both sides of the Olympic Highway and Mangoplah Road for the full frontage of the subject property prior to commencement of any works.
 - r) The provision of on-site parking for heavy and light vehicles, including vehicles with trailers in tow, associated with the development shall be in accordance with Council requirements. The number of spaces shall be the cumulative number to service all the land uses on the subject site. All car parking spaces shall be provided on-site and not be compensated by on-street parking in the vicinity. Parking, particularly disabled parking is to be located with convenient access to the entry doors of the premises.
 - s) All activities including, loading and unloading associated with this development are to take place within the subject site. Fill points for petrol and gas storage are to be located so that tankers can stand clear of access driveways and not impede on access to and from the subject site. A plan is to be submitted to indicate compliance with this condition prior to release of the Construction Certificate.
 - t) The intersection of the Olympic Highway and the access driveway shall be designed and constructed so as not to interfere with the capacity of the current roadside drainage network and to prevent water from proceeding onto, or ponding within, the carriageway of the highway. If a culvert is to be installed and is to be located within the clear zone of the carriageway for the posted speed zone it is to be constructed with a traversable type headwall.
 - u) Stormwater run-off from the subject site onto the adjoining road reserve as a result of the proposed development is not to exceed the existing level of run-off from the subject site. Suitable provision should be made to retard any increased storm water run-off from the site. Suitable drainage treatment is to be implemented to deny contaminated storm water run-off from the subject site to the road reserve of the Olympic Highway.
 - v) Any damage or disturbance to the road reserve of the Olympic Highway shall be restored to match surrounding roadside landform in accordance with Council requirements. The pavement at the intersections of the proposed driveway and Mangoplah Road with the Olympic Highway shall be constructed to accommodate the turning traffic generated by the development.
 - w) Prior to the commencement of any works on site, a management plan to address construction activity access and parking is to be prepared (and a copy provided to council) to ensure that suitable provision is available on site for all vehicles associated with the on-site works for the construction of the development to alleviate any need to park within, or load/unload from the road reserve of the Olympic Highway. The storage of any material within the road reserve is denied. Appropriate signage and fencing is to be installed and maintained to effect this requirement.
 - x) The Olympic Highway is part of the State Road network. For works undertaken on the carriageway of the State Road network by or on behalf of a private entity the developer is required to enter into a Works Authorisation Deed (WAD) with

Roads and Maritime Services before finalising the design or undertaking any construction work within or connecting to the road reserve. The developer is required to submit detailed design plans and all relevant additional information, as may be required in the Works Authorisation Deed documentation, for each specific change to the state road network for assessment and approval by Roads and Maritime Services. The applicant is to contact the Land Use Manager for the South West Region on Ph. 02 6923 6611 for further detail.

- y) All works undertaken within the road reserve of the Olympic Highway shall be designed and constructed to the satisfaction of Roads and Maritime Services and in accordance with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services. Detailed dimensioned plans demonstrating compliance with all conditions relating to works within the road reserve shall be submitted to the satisfaction of Roads and Maritime Services for approval prior to release of the Construction Certificate. The design and specifications for these works and pavement must be completed and certified by an appropriately qualified person. The pavement standards are to be in accordance with the requirements of Roads and Maritime Services for the proposed turning traffic. The design vehicle for this development is the PBS 2 (30 metre) road-train.
- z) Any works within the road reserve of a Classified Road requires approval from the Council and concurrence from Roads and Maritime Services under section 138 of the Roads Act 1993 prior to commencement of any such works. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed development and as required by the various public utility authorities and/or their agents.
- aa) Any proposed signage to be erected in relation to the proposed development is not approved and shall be subject to the submission of a further Development Application. This is required as the submitted information provides limited details regarding proposed advertising signage.
- bb) Any works associated with the development shall be at no cost to Roads and Maritime Services.

9. LOCAL HERITAGE GRANTS 2019-20

(MES/H15-030)

Executive Summary

Allocation of funding for the 2019-20 local heritage grant program is presented for Council's consideration.

Report

Council's Local Heritage Grant program aims to preserve, protect and/or identify areas or buildings of local heritage significance. NSW Office of Environment & Heritage (OEH) support the program by providing a small amount of funding to support Council's commitment at \$1:1 for eligible projects.

Each year, Council have been dedicating the grant program to a particular town or strategic area as defined in the Lockhart Local Environmental Plan 2012 (the LEP). Last year's program, which targeted The Rock heritage conservation area, enabled The Rock Hall and Museum Committee to undertake important restoration works to their building, including painting, building repairs and signage. This year Council have dedicated the 2019-20 funding program towards cemetery restoration works, with many historic cemetery sites identified as items of significant environmental heritage in Schedule 5 of the LEP.

The Lockhart Progress Association have worked with Council's heritage advisor to draft a program of works dedicated towards restoration of two historic sites, being the Brookong Cemetery and Ashcroft Cemetery. The program of repair works include cleaning, re-erecting and fencing to those cemetery monuments that are most under threat.

Integrated Planning and Reporting Reference

D4.2 – Protection of our historic buildings and landmarks.

Legislative Policy and Planning Implications

The proposed grants are administered in accordance with the Office of Environment & Heritage Funding Guidelines.

Budget and Financial Aspects

Council has allocated \$11,000 in the 2019-20 delivery and operational plan for the local heritage grant program, with a contribution of \$5,500 from Office of Environment & Heritage, which will be received as a reimbursement on successful completion of the project.

Attachments

1. Project proposal from Lockhart Progress Association.

Recommendation: That the information be noted.

333/19 RESOLVED on the motion of Crs Walker and Sharp that the information be noted.
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STRATEGIC DIRECTION E: Strong Leadership and Governance

10. INVESTMENT AND BANK BALANCES REPORT – 31 OCTOBER 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		1,475,323.68
Add: Total Receipts		
	Rates	92,194.47
	Debtors	32,911.54
	Interest	3,049.87
	DEFT Transfer	1,050,000.00
	Sale of Carson Road	85,772.10
	Miscellaneous	48,092.64
	Grants:	
	PIP Grant M3	44,370.00
		1,356,390.62
Less: Total Payments		2,619,944.80
	New Investments 1490-3015-0001	
Closing Combined Cashbook Balance		<u>211,769.50</u>
Closing Bank Statement Balance		
	Bendigo Bank	156,280.83
	Macquarie Bank	30,891.79
	Bendigo Bank-Prichard Trust	31,661.94
		218,834.56
Add: Outstanding Deposits		6,195.06
		225,029.62
Less: Outstanding Cheques		13,260.12
Closing Combined Cashbook Balance		<u>211,769.50</u>

Investments:	Interest Rate per Annum	Amount Invested	% of Total
AMP RIM	1.90	250,000.00	3.50
AMP/RIM	1.65	500,000.00	6.99
AMP/RIM	1.75	500,000.00	6.99
Bankwest	1.50	500,000.00	6.99
Bankwest	1.45	400,000.00	5.59
Bankwest	at call	500,000.00	6.99
BENDIGO	1.75	100,000.00	1.40
BENDIGO	1.75	250,000.00	3.50
Bendigo	1.65	500,000.00	6.99
Bendigo	1.65	400,000.00	5.59
BENDIGO	1.60	250,000.00	3.50
BENDIGO	1.70	500,000.00	6.99
NAB	1.72	500,000.00	6.99
NAB	1.72	500,000.00	6.99
NAB	1.72	500,000.00	6.99
T Corp	at call	1,000,000.00	13.99
		<u>7,150,000.00</u>	100.00

General Ledger Balances as at Month End

FUND	AMOUNT
General (PTD) 1490-3000-0000	891,910.61
Combined Sewerage 8490-3000-0000	248,030.94
Trust Fund 9991-3000-0000	31,661.94
	<u>1,171,603.49</u>
TOTAL FUNDS HELD ARE:	<u>8,321,603.49</u>

Integrated Planning and Reporting Reference

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

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

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

Legislative Policy and Planning Implications

Local Government Act 1993 Section 625 Investments.

Local Government (General) Regulation Clause 212.

Budget and Financial Aspects

Council's 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 October 2019, the average end of month balance of funds invested has been \$6.85 million and the average return on invested funds has been 1.87%. On these year to date figures, Council's budgeted income on investments is **NOT** forecast to be achieved for the General Fund and Sewer Fund. This will be reviewed at the first Quarterly Budget Review and adjusted if required.

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

334/19

RESOLVED on the motion of Crs Rockliff and Verdon that:

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

11. QUARTERLY BUDGET REVIEW – SEPTEMBER 2019

(DCCS/F10-010)

Executive Summary

In accordance with the Local Government Act, 1993, a review of Council's Budget position as at 30 September 2019 has been undertaken and the following is submitted for Councillors consideration.

Report

General Fund

When Council adopted the 2019-2020 Operational Plan Budget in June 2019 Council budgeted for a deficit of **\$17,783.00**. The Budget Review at 30 September 2018 will be provided under separate cover prior to Council's November meeting.

Sewerage Fund

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

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.

Legislative Policy & Planning Implications

As per Integrated Planning and Reporting Guidelines.

Budget & Financial Aspects

As detailed in full Quarterly Budget Review for September 2019 Report, to be provided under separate cover.

Attachments

Quarterly Budget Review Statement for the period 01/07/19 to 30/09/19 will be provided under separate cover.

Recommendation: That:

- a) The information be noted, and
- b) The adjustments in income, expenditure and reserves in the September 2019 Quarterly Budget Review be adopted.
- c) The carried forwards and revote as reported are funded from Reserves be adopted.

335/19 **RESOLVED** on the motion of Crs Douglas and Sharp that:

- 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:

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

- c) The carried forwards and revotes as reported are funded from Reserves be adopted.

12. 2018/19 ANNUAL REPORT

(GM/A50-005)

Executive Summary

Council is required, within five months after the end of each financial year, to prepare an annual report for that year reporting as to its achievements in implementing its deliver program. A draft 2018/19 Lockhart Shire Council Annual Report is tabled for Council's endorsement.

Report

Section 428 of the Local Government Act provides that Council must prepare an annual report within five months after the end of each financial year, i.e. by 30 November. The annual report must include the following information:

- 1) A report on Council's achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed;
- 2) A copy of the Council's audited financial reports prepared in accordance with the *Local Government Code of Accounting Practice and Financial Reporting* published by the Department, as in force from time to time;
- 3) In the year in which an ordinary election of Councillors is held the annual report must include a report as to the state of the environment in the local government area, i.e. a state of the environment report; and
- 4) Such other information or material as the regulations or the guidelines under section 406 may require.

With respect to 4) above the Local Government Regulation specifies the following information to be included in Council's annual report:

- a) Details of any overseas visits undertaken by councillors, council staff or other persons representing the Council.
- b) Total cost of the payment of expenses and provision of facilities to councillors in relation to their civic functions.
- c) Details of each contract in excess of \$150,000 awarded by the Council during the year (whether as a result of a tender or otherwise).
- d) Amounts incurred by the council during the year in relation to legal proceedings taken by or against the Council.
- e) Resolutions made by Council during the year under section 67 (3) of the Local Government Act concerning work carried out on private land.
- f) The total amount contributed or otherwise granted under section 356 of the Local Government Act.
- g) A statement of all external bodies that during the year exercised functions delegated by the Council.
- h) A statement of all corporations, partnerships, trusts, joint ventures, syndicates or other bodies (whether or not incorporated) in which the Council held a controlling interest or participated in.
- i) Activities undertaken by Council during the year to implement its equal employment opportunity management plan.
- j) The total remuneration comprised in the remuneration package of the general manager during the year.
- k) Total remuneration comprised in the remuneration package of all senior staff members (other than the general manager).
- l) Activities undertaken by Council in relation to enforcing and ensuring compliance with the Companion Animals Act 1998 and regulations made under that Act.
- m) Rates and charges written off during the year.

In order to comply with new requirements introduced in 2018/19, Council's 2018/19 Annual Report will, for the first time, include information regarding Councillor professional development. In this regard councils are now required to publish the following information in their annual reports:

- The name of the mayor and each councillor who participated in any ongoing professional development program during the year.
- The number of training and other activities provided to the mayor and councillors during the year as part of a professional development program, and
- The total cost of induction and professional development activities and any other training provided to the mayor and councillors during the relevant year.

To comply with a request from the Audit Office of NSW, details of fraud control activities undertaken during the year are also included in the Annual Report for the first time.

A copy of the Draft 2018/19 Annual Report incorporating Parts 1) and 4) has been separately distributed to Councillors.

An extension has been granted by the Office of Local Government to Council for the finalisation of the audited financial reports which will be the subject of a separate report to Council in accordance with the timeline reported to the October Council meeting.

A report on the state of the environment, i.e. Part 3), has not been prepared as it is only required to form part of the annual report every four years i.e. in the year of an ordinary election of councillors

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

Section 428 of the Local Government Act provides that Council must prepare an annual report within five months after the end of each financial year i.e. by 30 November.

Budget & Financial Aspects

Nil.

Attachments

A Draft 2018/19 Annual Report has been separately distributed to Councillors.

Recommendation: That the 2018/19 Annual Report be endorsed and the General Manager be authorised to forward a copy of the Report to the Minister for Local Government.

336/19 **RESOLVED** on the motion of Crs Verdon and Walker that the 2018/19 Annual Report be endorsed and the General Manager be authorised to forward a copy of the Report to the Minister for Local Government.

13. 2020 LOCAL GOVERNMENT ELECTIONS UPDATE

(GM/E15-020)

Executive Summary

The purpose of this report is to provide an update regarding the next local government elections scheduled to be held in September 2020 following receipt of a revised estimate of cost from the NSW Electoral Commission (NSWEC).

Report

It was reported to the last Council meeting that the next local government ordinary elections are to be held on 12 September 2020.

It was also reported to the last Council meeting that NSWEC had provided a cost estimate to Council for conducting the 2020 elections. The cost estimate provided to Lockhart Shire was \$41,548 including GST (\$37,771 ex GST). This cost estimate was questioned with the NSWEC as it was even higher than the indicative cost previously estimated prior to the Government's announcement that it will be funding the NSWEC's core costs.

The NSWEC has now provided an amended cost estimate after advising that an error had been made in calculating the previous cost estimate. The revised estimate is \$33,062 including GST (\$30,056 ex GST). It should be noted that this is an estimate only and the NSWEC will bill the Council the actual costs of conducting the election. The actual costs could be lower if there is not a contested election in all three wards.

By way of comparison the Council's election costs in 2016 totalled \$18,000 ex GST when a contested election was held in two of the three wards. Council has been budgeting for a cost of \$24,000 ex GST for the 2020 elections based on the assumption that there will be a contested election in all three wards. The most recent cost estimate received from the NSWEC therefore represents an increase of \$6,056 ex GST or 25%.

In accordance with a resolution passed at the last Council meeting written representations have been made to the Minister for Local Government regarding the increasing cost of council elections. Local Government NSW (LGNSW) has also been informed of the specific increases for Lockhart Shire Council and is making representations to the Government on behalf of all councils.

At the Council meeting held on 4 February 2019 Council resolved that an election arrangement be entered into by contract for the NSWEC to administer the 2020 elections. The current legislation requires all contracts to be signed no later than 1 January 2020. NSWEC has advised that the standard contract is almost identical to the contract used for the 2016 local government elections which was drafted by the Crown Solicitor's Office to meet the requirements of section 296 of the Local Government Act. The standard contract will:

- Cover all elections, polls & referenda from the September 2020 ordinary elections through until 18 months before the 2024 ordinary elections, at which time it will expire.
- Either party can terminate the contract after the 2020 ordinary elections by providing 4 weeks written notice.

- List the services to be provided in the conduct of the elections.
- Lists the estimated cost of the service provision (as per the estimates already provided to Councils).

As a new inclusion the standard contract will contain references to Postal Only and Countback elections (these options are available for councils to decide by resolution after the 2020 elections event).

In accordance with the resolution of Council passed on 4 February 2019 the contract provided by the NSWEC will be executed and returned.

Integrated Planning and Reporting Reference

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

Council has until 1 January 2020 to enter into an election arrangement with the NSWEC.

In accordance with the resolution of Council passed on 4 February 2019 the contract provided by the NSWEC will be executed and returned.

Budget and Financial Aspects

Lockhart Shire Council's 2016 election bill for services provided by the NSWEC was \$18,000. It should be noted that there was not a contested election in all three wards which would have contained the costs to this amount.

Council has been transferring to an election reserve an amount of \$6,000 per annum for the elections held every four years in anticipation that the total cost of the 2020 elections would be \$24,000.

The cost estimate provided by the NSWEC for the conduct of the 2020 elections is \$30,056 ex GST which represents an increase of \$6,056 ex GST or 25% compared to Council's budgeted amount.

Attachments

Nil.

Recommendation: That the information be noted.

337/19 RESOLVED on the motion of Crs Sharp and Day that the information be noted.

14. AUDIT, RISK AND IMPROVEMENT COMMITTEES – DISCUSSION PAPER (GM/A65-011)

Executive Summary

The Office of Local Government (OLG) has released a Discussion Paper regarding a new internal audit and risk management framework for local councils in NSW. OLG is inviting submissions from councils and other stakeholders on the Discussion Paper. Submissions close on 31 December 2019.

Report

Recent amendments to the Local Government Act have inserted a new Section 428A in the Act which states that "A council must appoint an Audit, Risk and Improvement Committee (ARIC)". This requirement will come into force in six months following the September 2020 council elections, i.e. in March 2021.

Section 428A further states that the ARIC must keep under review the following aspects of the council's operations:

- a) compliance,
- b) risk management,
- c) fraud control,
- d) financial management,

- e) governance,
- f) implementation of the strategic plan, delivery program and strategies,
- g) service reviews,
- h) collection of performance measurement data by the council.

In anticipation of the new legislative requirements, Council, at its meeting held in April 2018, resolved to establish an ARIC and to join an internal audit alliance to collaborate with Coolamon, Junee and Temora Shire Councils for the provision of internal audit services.

Consequently, Council's ARIC and internal audit function has been operating since July 2018. However, the ARIC at this stage is only overseeing the internal audit function and receiving internal audit reports prepared by the contracted internal auditor. It is not performing the more comprehensive role foreshadowed by the new Section 428A of the Local Government Act, i.e. a) to h) above.

Council's ARIC was established having regard to the OLG's existing guidelines for the establishment of Audit and Risk Committees which suggested the following Committee structure for smaller councils:

- a) councillor (excluding the Mayor),
- b) independents – at least one with financial expertise.

The existing internal audit alliance between Bland, Coolamon, Cootamundra-Gundagai, Junee, Lockhart and Temora Councils has an arrangement whereby the General Manager and Chief Financial Officer of each council are the external and independent members of one of the other council's Audit Committee. This arrangement satisfies the requirement for the majority of committee members to be external to, and independent of, the organisation whilst minimising costs.

However, the Discussion Paper released by OLG regarding a new internal audit and risk management framework for local councils in NSW has significant implications for Council and the operation of its ARIC. The main issues that have implications for Council and its existing ARIC are summarised below.

Timeline

The transitional arrangements built into the Local Government Act mean that the requirement to have an ARIC will not come into force until six months after the next ordinary elections in September 2020. Councils will therefore have until March 2021 to establish their ARIC in line with the regulatory requirements proposed in the Discussion Paper.

It is proposed that councils will then have a further 18 months, until December 2022, to establish and resource their internal audit function and risk management framework. Councils' ARIC's will focus on ensuring the council's internal audit function and risk management framework comply with regulatory requirements during the following three years, until 2024.

By 2026 the role of the ARIC is to broaden to include compliance, fraud control, financial management, governance, integrated planning and reporting, service reviews, performance measurement data and performance improvement in full compliance with Section 428A of the Local Government Act.

Core Requirements

There are nine core requirements that councils will be required to comply with when establishing their ARIC, risk management framework and internal audit function as listed below:

- 1) Appoint an independent Audit, Risk and Improvement Committee
- 2) Establish a risk management framework consistent with the current Australian risk management standards
- 3) Establish an internal audit function mandated by an Internal Audit Charter
- 4) Appoint internal audit personnel and establish reporting lines
- 5) Develop an agreed internal audit work program
- 6) How to perform and report internal audits
- 7) Undertake ongoing monitoring and reporting
- 8) Establish a quality assurance and improvement program
- 9) Councils can establish shared internal audit arrangements.

With respect to core requirement, 1) above, the Discussion Paper provides that a council's ARIC is to have no fewer than three members and no more than five members including the Chair.

All Audit, Risk and Improvement Committee members must be independent. To be classified as 'independent', a member must be both:

- 1) Selected from the panel of prequalified audit and risk committee independent chairs and members administered by the NSW Government.
- 2) Free of any relationships that could be perceived to result in bias or a conflict of interest or interfere with their ability to act independently. This means an independent committee member cannot:
 - be a councillor of any council in Australia, a candidate at the last election of a council or a person who has held office in a council during its previous two terms;
 - be employed (currently or during the last three years) by any council in Australia;
 - have a close personal or business relationship with a councillor or a person who has a senior role in the council;
 - be a current service provider to the NSW Audit Office, or have been a service provider during the last three years;
 - currently, or within the last three years, provided any material goods or services (including consultancy, legal, internal audit and advisory services) to the council which directly affect subjects or issues considered by the ARIC;
 - be a substantial shareholder, owner, officer or employee of a company that has a material business, contractual relationship, direct financial interest or material indirect financial interest with the council or a related entity, or have an immediate or close family member who is, which could be perceived to interfere with the individual's ability to act in the best interests of the council;
 - currently or previously acted as an advocate of a material interest on behalf of the council or a related entity; and

The fees paid to ARIC members of small councils i.e. councils with expenditure less than \$50 million are proposed to be as follows:

Chair \$12,552 ex GST per annum

Member \$1,255 per meeting day (ARIC's will be required to meet at least quarterly).

With respect to core requirement, 2) above, the general manager will be required to appoint a dedicated Risk Management Co-ordinator who will be responsible for the day to day activities required to implement the council's risk management framework.

The general manager will be required to publish in the council's annual report an attestation certificate indicating whether the council has complied with the risk management requirements.

With respect to core requirement, 3) above, the Council is required to assign administrative responsibility for internal audit to the general manager and include this in their employment contract and performance reviews.

With respect to core requirement, 4) above, it is proposed that the general manager appoint a Chief Audit Executive to oversee the council's internal audit activities. The Chief Audit Executive is to report functionally to the Audit, Risk and Improvement Committee and administratively to the general manager and attend all committee meetings.

The Chief Audit Executive is to be independent, impartial, unbiased and objective when performing their work and free from conflicts of interest. This also means that the Chief Audit Executive cannot undertake internal audit activities on any council operations or services that he/she has held responsibility for within the last five years.

The Chief Audit Executive is to be a council employee and the most senior member of staff in council responsible for internal audit (but not the general manager or council's senior financial officer).

The Chief Audit Executive cannot be outsourced to an external service provider, except where the council has entered into a shared arrangement with another council or as part of their joint or regional organisation of councils

The Discussion Paper states that some smaller rural councils may find it difficult to employ both a stand-alone Chief Audit Executive and stand-alone Risk Management Coordinator due to the cost involved, council's remote location and/or that the council's risk management function and internal audit function may not require full-time stand-alone employees. The Discussion Paper further states that whilst it is not best practice, it is recognised that combining the Chief Audit Executive role with the Risk Management Coordinator role may make it easier for smaller or remote councils to establish their risk management framework and internal audit function.

Councils will, therefore, be able to combine the Chief Audit Executive's role with the Risk Management Coordinator role provided there are adequate safeguards put in place by the council to limit any real or perceived bias or conflicts of interest that may lead to faulty decision-making and cognitive bias. The endorsement of the Audit, Risk and Improvement Committee will also be required before the combined role can commence.

Also with respect to core requirement 4), the Discussion Paper proposes that the general manager is to ensure that, if required, the council has adequate internal audit personnel to support the Chief Audit Executive.

Integrated Planning and Reporting Reference

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

E1 - Continue to enhance sound financial management policies and practices.

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

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

Legislative Policy & Planning Implications

The establishment of an ARIC will become mandatory for all councils upon commencement of Section 428A of the Local Government Act in March 2021. Council's existing ARIC does not meet the regulatory requirements outlined in the Discussion Paper insofar as not all members are independent (the ARIC currently includes one councillor), ARIC members are currently not paid, the ARIC meets only three times per year, Council does not employ a dedicated Chief Audit Executive and Risk management Coordinator, amongst other things.

Council has a risk management framework in place which comprises a Risk Management Policy, and a Risk Register supported by individual risk assessments and risk mitigation plans. However, the framework has not been developed to the point where risk management has been integrated into all of Council's decision-making activities as envisaged in the Discussion Paper.

Council has the opportunity to make a submission to OLG in relation to the Discussion Paper. Submissions close on 31 December 2019.

Budget & Financial Aspects

An allocation of \$15,000 has been included in the 2019/20 Operational Plan Budget which covers the cost of the contracted internal auditor whose services are shared with other member councils of the Internal Audit Alliance.

The changes outlined in the Discussion Paper will result in a significant increase in cost to Council as a result of all ARIC members having to be paid independent members, the ARIC having to meet more regularly to fulfil its legislative role and Council having to appoint a dedicated Chief Audit Executive and Risk Management Officer.

Attachments

The full version of the Discussion Paper can be viewed at <https://www.olg.nsw.gov.au/content/new-risk-management-and-internal-audit-framework-local-councils-nsw>.

Recommendation: That Council 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.

338/19

RESOLVED on the motion of Crs Verdon and Walker that Council 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.

15. CODE OF CONDUCT STATISTICS – ANNUAL REPORT

(GM/C40-005)

Executive Summary

Statistics regarding the number of complaints made under the Council's Code of Conduct are required to be reported to Council on an annual basis following the end of the reporting period. The statistical report is also required to be forwarded to the Office of Local Government. If no complaints are made under the Code in a reporting period a 'nil' return is required to be lodged.

Report

Section 11.1 of the Procedures for the Administration of the Code of Conduct provides that the complaints coordinator must arrange for the following statistics to be reported to the council within three months of the end of September of each year:

- a) *"The total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September,*
- b) *The number of code of conduct complaints referred to a conduct reviewer,*
- c) *The number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints,*
- d) *The number of code of conduct complaints investigated by a conduct reviewer,*
- e) *Without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures,*
- f) *The number of matters reviewed by the Office of Local Government and, without identifying particular matters, the outcome of the reviews, and*
- g) *The total cost of dealing with code of conduct complaints made about councillors and the general manager in the year to September, including staff costs."*

Section 11.2 states the council is also required to provide the Office of Local Government with a report containing the statistics referred to in clause 11.1 within three months of the end of September of each year.

It is noted that for the reporting period 1 October 2018 to 30 September 2019 there were no complaints made under the Council's Code of Conduct and that the response to items a) to h) above is "0".

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

It is a requirement of the Procedures for the Administration of the Code of Conduct that statistics relating to complaints made under the Code of Conduct are reported to Council and forwarded to the Office of Local Government.

Budget & Financial Aspects

Not applicable.

Attachment

Nil.

Recommendation: That:

- a) Council note that for the reporting period 1 October 2018 to 30 September 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.

339/19

RESOLVED on the motion of Crs Walker and Sharp that:

- a) Council note that for the reporting period 1 October 2018 to 30 September 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.

16. POLICY 3.31 HEALTH AND WELLBEING LEAVE

(GM/C70-025)

Executive Summary

A new policy has been prepared to provide a framework for dealing with health and wellbeing leave as set out in the Local Government (State) Award 2017 (the "Award") and is presented for Council's consideration.

Report

Clause 24 of the Award provides that an employee may, with the consent of the employer, take up to two (2) days paid leave per calendar year from their accrued sick leave balance to participate in a health and/or wellbeing activity, as long as the taking of the leave does not result in the employee having an accumulated sick leave balance of less than two (2) weeks.

The Award however provides no detail or guidance as to what constitutes a "health and/or wellbeing activity" which has made it necessary to develop a policy framework for dealing with any applications received under this Clause. Advice was sought from Local Government NSW and on the basis of the advice received Policy 3.31 Health and Wellbeing Leave has been developed. A copy of the Policy is attached.

The Policy has been referred to the Staff Consultative Committee as required by the Award before being finalised for presentation to Council.

Integrated Planning and Reporting Reference

E1 - Attract and retain a quality workforce.

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

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

Legislative Policy & Planning Implications

Clause 24 of the Award provides that:

1. *"The parties to the Award recognise that workplace health and wellbeing programs can lead to positive outcomes such as improved employee work performance and productivity, improved employee recruitment and retention, reduced absenteeism, and other benefits.*
2. *Employers are encouraged to develop workplace health and/or wellbeing programs that are suited to the needs and resources of the employer.*
3. *An employee may, with the consent of the employer, take up to two (2) days paid leave per calendar year from their accrued sick leave balance to participate in a health and/or wellbeing activity, subject to the following:*
 - a) *The granting of paid leave under this clause is at the discretion of the employer; and*
 - b) *The taking of paid leave under this clause must not result in the employee having an accumulated sick leave balance of less than two (2) weeks; and*
 - c) *The employer may require proof of participation in the health and/or wellbeing activity to justify payment under this clause."*

Budget & Financial Aspects

Health and wellbeing leave where granted is deducted from an employee's balance of accrued sick leave. There are no discernible budgetary implications.

Attachment

1. Policy 3.31 Health and Wellbeing Leave.

Recommendation: That Policy 3.31 Health and Wellbeing Leave, as presented, be adopted.

340/19	RESOLVED on the motion of Crs Douglas and Day that Policy 3.31 Health and Wellbeing Leave, as presented, be adopted.
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Questions and Statements

Cr Verdon

- (i) **Congratulations** – Congratulations to all involved with the opening of the new and refurbished The Rock Swimming Pool Complex. The new pool will certainly add to setting the Shire up as a destination place.

Cr Day

- (i) **Bridge over Brookong Creek, Lockhart** – Would Council consider naming the bridge over Brookong Creek, Lockhart (at the end of Green Street) because of its proximity to the Greens Gonyah Museum?

Response – Acting Director Engineering and Environmental Services

Acting DEES advised that he will investigate and provide a report to Council at a future meeting.

Cr Rockliff

- (i) **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?

Response – Acting Director Engineering and Environmental Services

Acting DEES advised that he will investigate a solution and advise.

- (ii) **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?

Response – Acting Director Engineering and Environmental Services

Acting DEES advised that he will investigate and advise.

- (iii) **Water Damaged Laneway, Lockhart** – Advised that the last laneway heading east at cnr. Urana and Day Streets has been left suffering water damage following recent pipe replacement works by Riverina Water.

Response – Acting Director Engineering and Environmental Services

Acting DEES advised that he will investigate and advise. Cr Verdon advised that Riverina Water would be happy to provide materials.

Cr Douglas

- (i) **New Culvert near Steve Matthew's Property** – Wished to commend Council's Project Officer on the new culvert near Steve Matthew's property. The efficiency on the project is commendable.

- (ii) **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 enquired how work is progressing on the fire damaged unit at Magnolia Lodge?

Response – Director Corporate and Community Services

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 there is currently no waiting list for this unit.

Cr Sharp

- (i) **Culverts on the Henty-Pleasant Hills Road** – Enquired when new culverts on the Henty-Pleasant Hills Road will be completed?

Response – Acting Director Engineering and Environmental Services

Acting DEES advised that he will investigate and advise.

Cr Walker

- (i) **Tootool-Mittagong Road** – Advised he had received complaints from residents regarding the condition of Tootool-Mittagong Rd, with large rocks currently coming up through the road.

Response – Acting Director Engineering and Environmental Services
Acting DEES advised that he will investigate and advise.

Cr Schirmer

Nil.

CLOSED SESSION

341/19 RESOLVED on the motion of Crs Douglas and Walker that Council close the meeting to the public as per section 10(A)(2)(a) of the Local Government Act 1993.

The meeting moved into Closed Session at 6.07pm.

344/19 RESOLVED on the motion of Crs Walker and Sharp that Council move into Open Council.

The meeting moved into Open Session at 6.17pm.

OPEN COUNCIL

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.

The resolution of Council, relating to Items 17 and 18, passed while the meeting was closed to the public, were read to the meeting by the General Manager.

17. POTENTIAL PROPERTY ACQUISITION – PUBLIC TOILETS GREEN STREET, LOCKHART (GM/G10-030)

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

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

342/19 RESOLVED on the motion of Crs Rockliff and Douglas that 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.

Cr Schirmer declared a non-pecuniary interest in the following item and vacated the Chambers for its duration. Cr Verdon assumed the Chair for the duration of this item.

18. AGED CARE ACCOMMODATION (GM/A25-030)

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

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

343/19 RESOLVED on the motion of Crs Walker and Sharp that the information be noted and a more detailed report be prepared and presented to a future meeting of Council.

The meeting concluded at 6.18pm.

The minutes of the meeting held on Monday, 18 November 2019 were confirmed as a true and accurate record at the Ordinary Council Meeting held on 16 December 2019 at which time the signature was hereunto subscribed.

CHAIRMAN