



# **BUSINESS PAPER**

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

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

# The Prayer

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

## The Council's Guiding Principles

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

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

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

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

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

*(Section 8A Local Government Act, 1993)*

*File Ref: PV:LA:C70-005*

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11 September 2019

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

Dear Councillors

I wish to advise that the Ordinary Monthly Meeting of Lockhart Shire Council will be held at the Council Chambers, Green Street, Lockhart on **Monday, 16 September 2019** commencing at **5.00pm**.

The Order of Business will be as shown overleaf.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Veneris', written in a cursive style.

Peter Veneris  
**GENERAL MANAGER**

## Order of Business

<b>Opening with a Prayer</b> .....	
<b>Apologies</b>	
Nil.....	
<b>Leave of Absence</b> .....	
<b>Confirmation of Minutes of the Ordinary Meeting 19 August 2019</b> .....	
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This item is classified CONFIDENTIAL under section 10A(2)of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (a) Personnel matters concerning particular individuals (other than councillors).

**Resumption of Open Council.....**

## **Mayoral Minute**

Refer Item 16 – General Manager’s 2018-19 Performance Review.

## **Mayoral Report**

To be presented at the meeting.

## **Urgent Matters**

Nil.

## **Notice of Motion**

Nil.

## Committee Reports

### 1. TOURISM/ECONOMIC DEVELOPMENT OFFICER REPORT – SEPTEMBER 2019 (TEDO/T26-005)

The TEDSC September meeting in Yerong Creek was cancelled due to a number of members being unable to attend.

#### 1. TEDSC Committee

The TEDO has been in touch with a member of the Pleasant Hills community who indicated their interest in joining the TEDSC Committee following the sad passing of Susan Creek. Following previous discussions by the TEDSC, the member has been invited to attend the October TEDSC meeting prior to any formal nomination by the Committee.

**Recommendation:** That the information be noted.

<b>Notes:</b>

#### 2. Lockhart Shire Events

The TEDO has sought interest from the community to kickstart two new events, the Lockhart to The Rock Marathon and a Lockhart Country Music Festival. Committed volunteers would be required to drive the events however there has been little response to either of the events to date.

Advertising by Council in the wider Riverina Murray region continues in conjunction with ongoing tourism promotion in support of our larger Shire events including Lockhart Show, Lockhart Picnic Races, Spirit of the Land, The Rock Show and The Rock BnS Ball, all which contribute to our local economies.

**Recommendation:** That the information be noted.

<b>Notes:</b>

#### 3. Business Support

Responses from the Lockhart Shire Business Survey are due on Friday, 12 October 2019. It is anticipated the lack of rain will have a significant effect on this year's results. An online survey to ascertain business gaps in Lockhart Shire is being prepared and will be promoted via social media and the website. The resulting information will be used to promote opportunities for new start-ups and the expansion of existing businesses.

**Recommendation:** That the information be noted.

<b>Notes:</b>

**4. Lockhart Shire Public Art**

Yerong Creek were unsuccessful in their bid for funding through the My Community Project funding despite their extensive promotion. They are continuing to seek funding. The TEDO is also applying for funding for the Milbrulong Water Tower mural.

In accordance with the Minutes of the June Ordinary Meeting of Council, the TEDO requested Scott Nagy and Janne Birkner submit a preliminary design for the Milbrulong Water Tower mural. Having recently finished a major art project in Queensland the artists are working on the submission. The TEDO will liaise with Lockhart Shire Council, Riverina Water and the Milbrulong community once the proposal has been received to further discuss.

**Recommendation:** That the information be noted.

<b>Notes:</b>

**5. Lockhart Railway Station/Tim Fischer Statue**

Expressions of interest for community or commercial purposes are being sought from the wider community for the Lockhart Railway Station building, with an advert being placed in the Lockhart Shire newsletter and on social media.

The TEDO also met with Myra Jenkyn, President of Lockhart Shire Progress Association to discuss the proposed Tim Fischer statue and potential funding streams. During discussions the TEDO confirmed that while Council is supportive in principle of the project, the location of the statue was still to be decided as the Lockhart Railway Station land is not owned by Council.

**Recommendation:** That the information be noted.

<b>Notes:</b>

**6. Project Updates**

The TEDO provided an update on ongoing projects as follows:

Tourism Signs	The TEDO has been in touch with the relevant Town Progress Associations/Committees regarding wording and images for the new tourism signs in order to progress the project. Discussions are ongoing with meetings planned for September.
Lockhart Visitor Brochure	The TEDO is awaiting an update from Murrumbidgee Council regarding the proposed joint venture.
Lockhart & District Historical Society	Planning an official opening in October 2019 prior to the Spirit of the Land Festival.
Yerong Creek Progress Association	Are working on a number of economic drivers for their community including two potential events.
The Rock Museum	The committee are continuing to work on the layout of exhibits in the upper floor of the museum.



The next TEDSC meeting will be held at The Rock Bowling Club on Tuesday 1 October 2019 at 6:30pm.

**Recommendation:** That the report be received and noted.

<b>Notes:</b>

## Delegates' Reports

### 1. POLICE AND COMMUNITY CONSULTATION GROUP MEETNG – 13 AUGUST 2019 AT THE ROCK

A quarterly meeting of the Police and Community Consultation Group was held at The Rock on Tuesday, 13 August 2019.

The meeting was attended by NSW Police and representatives of licensed premises, local schools and other community organisations in the Shire. Issues discussed included:

- *Truck parking at The Rock.*  
This matter is being addressed through the Traffic Committee.
- *Recent break-ins at Lockhart businesses.*  
It was confirmed that this matter had been reported to the Police.
- *Vandalism at The Rock Anglican Church.*  
It was confirmed that this matter had been reported to the Police.
- *The introduction of new drink driver offences.*  
Attention was drawn to the new rules in Council's monthly Newsletter. Police confirmed that posters and other promotional material that can be used by licensed premises are available from NSW Liquor and Gaming.
- *Digital driver licenses.*  
These are being trialled in selected parts of NSW.
- *The Rock Police Residence.*  
Police confirmed that funding has been approved for the building's repair and refurbishment so that it may continue to be used as a Police residence

The next meeting will be held at Yerong Creek on 12 November 2019.

Cr Greg Verdon  
Delegate

### 2. RIVERINA WATER COUNTY COUNCIL (RWCC) – SEPTEMBER 2019

1. Council received and noted Financial Statements and List of Investments.
2. Chair of Audit & Risk Committee delivered his Annual Report.
3. New purchasing delegations for Chair and GM approved.
4. Minutes Audit & Risk Committee received and noted.
5. Riverina Water Assessment Panels for Community Grants were endorsed.
6. Council received Social Media and Media Report.
7. Council received report on Operational and Capital Works Targets for 2018/19 financial year.
8. Arrangements for Christmas closedown were approved.
9. Council has agreed to go with LGP for electricity contract.
10. Council received report on GM's Performance Review which was most satisfactory.
11. Council received an update on the Water Treatment Plant Contract.
12. Council agreed to proceed on new Water Filling Relocation at Pleasant Hills.

Cr Greg Verdon  
Delegate

**Recommendation:** That the information be noted.

<b>Notes:</b>

## Status Report/Précis of Correspondence Issued

**Status Report: Council Resolutions and Tasks to be finalised**

Res. No:	Officer to Action	Info	Action Taken
<b>Ordinary Council Meeting held 19 August 2019</b>			
243/19	DEES	<p><b>Closed Council – Tender – Winning and Crushing of Gravel</b></p> <p>a) Award tender for the Winning and Crushing of Gravel 2019-20 to Rocky Point Quarries Pty Ltd Pty Ltd for \$827,520.00 (including GST), and</p> <p>b) Authorise General Manager and Director Engineering &amp; Environmental Services to execute the Contract and Purchase Order.</p>	<p>Contract fully executed. Purchase order to the raised in due course. Works to commence on site shortly.</p> <p>Complete.</p>
242/19	DEES	<p><b>Closed Council – Tender – Supply of Skid Steer Loader and Attachments</b></p> <p>a) Award the tender for the purchase of a new Caterpillar 279D Skid Steer Loader Plus CAT Cold Planner PC306B XD and CAT BR378 HF Brushcutter attachments to WesTrac Pty Ltd for \$200,076.80 (including GST), and</p> <p>b) Authorise General Manager to execute Purchase order.</p>	<p>Purchase order raised. Waiting delivery of machine.</p> <p>Complete.</p>
241/19	DEES	<p><b>Closed Council – Tender – Supply of Motor Grader</b></p> <p>a) Award the tender for the purchase of a new 12M Motor Grader, including the trade of existing 12M Motor Grader, to WesTrac Pty Ltd for \$277,577.50 (including GST), and</p> <p>b) Authorise the General Manager to execute the Purchase order.</p>	<p>Purchase order raised. Waiting delivery of machine.</p> <p>Complete</p>
240/19	GM	<p><b>Closed Council – Purchase Offer – Lots 21 and 22 Bond St, Lockhart</b></p> <p>Council accept the offer for the purchase of Lots 21 and 22 Bond St, Lockhart as outlined in the report.</p>	<p>Real Estate Agent advised and contracts currently being prepared.</p> <p>Complete.</p>
237/19	GM	<p><b>Resignation of Director Engineering and Environmental Services</b></p> <p>a) Council express its appreciation to David Webb for his services whilst in the position of Director Engineering and Environmental Services and congratulate him on his new role; and</p> <p>b) The panel to interview any shortlisted candidates for the appointment of a new Director Engineering and Environmental Services comprise the Mayor, Deputy Mayor, General Manager and Human Resources Co-ordinator.</p>	<p>Applications for the position of Director Engineering and Environmental Services have closed and arrangements are currently being made to interview shortlisted candidates.</p>
236/19	GM	<p><b>Policy 2.31 Procurement Policy</b></p> <p>Policy 2.31 Procurement Policy, as presented, be adopted.</p>	<p>The Policy Register has been updated and staff with purchasing delegations advised of the revised policy.</p> <p>Complete</p>
235/19	GM	<p><b>IPART Review of the Local Government Rating System</b></p> <p>Council make a submission to the Office of Local Government, in response to IPART's Final Report on the review of the local government rating system, in the terms outlined in the report.</p>	<p>Submission made to IPART.</p> <p>Complete.</p>

234/19	GM	<b>Community Engagement Strategy</b> Draft Community Engagement Strategy and Community Participation Plan, as presented, be adopted.	Department of Planning and Environment notified, and Community Engagement Strategy and Community Participation Plan uploaded onto Council's website. Complete.
233/19	DCCS	<b>Internal Restrictions</b> Council adopt the proposed list of internal restrictions and balances for 30 June 2019 as detailed in this report.	
232/19	DCCS	<b>Unspent Expenditure to be Revoted to the 2019/2020 Budget</b> List of items contained in the Report be revoted in the 2019/2020 Operational Plan Budget.	
229/19	DEES	<b>Fixing Country Rods Grant Funding Program</b> a) Submit a grant application under the next round of Fixing Country Roads program for the upgrade of Wattles Road and Tinamba Lane; and b) Place notices in the August 2019 Council Newsletter for letters of support for the project.	Grant application being prepared. Applications close 10 October 2019. Letters of support being sourced.
224/19	GM	<b>Lockhart Renewable Energy Project</b> a) Authorise the General Manager to enter into a funding agreement with the Commonwealth Government for the \$1 million Community Development Grant for Stage 1 of the Better Energy Technology Lockhart Renewable Energy Project; b) Give public notice of its proposal to pass a resolution at the Council meeting to be held on 16 September 2019, to grant financial assistance to Better Energy Technology Pty Ltd, pursuant to Section 356 of the Local Government Act, 1993, to enable it to undertake Stage 1 of the Better Energy Technology Lockhart Renewable Energy Project; and c) Authorise the General Manager to enter into an Agreement with Better Energy Technology, in relation to the financial assistance to be provided pursuant to Section 356, that enables Council to meet its obligations under its funding agreement with the Commonwealth.	Public Notice given in local newspaper, community Facebook page and Council Newsletter.  Refer to further report to 16 September Council meeting.
223/19	DEES	<b>Lockhart Caravan Park</b> a) Endorses the proposed Lockhart Caravan park revised layout; and b) A further report be brought to Council in due course once a detailed costing can be provided.	Work in progress. Fire-fighting services currently being designed.
221/19	DCCS	<b>Lockhart Showground and Racecourse Toilets</b> a) Approve funding for the construction of new absorption trenches at the Lockhart Showground. b) Council fund 70% of the costs from S356 Contributions with a 30% contribution from the Lockhart Showground and Racecourse Management Committee.	Works arranged and currently in progress.  Completed.
220/19	GM	<b>Independent Living Units and Aged Care Accommodation</b> Council continue to monitor grant funding opportunities for the development of independent living units and aged care accommodation in the Shire.	

219/19	DEES	<p><b>Pleasant Hills Water Filling Station</b></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>Work in progress.</p>
218/19	GM	<p><b>Lockhart Bowling Club – Request for Financial Assistance</b></p> <p>Council contribute an amount of \$300 towards the Lockhart Bowling Club's annual tournament with the contribution to be funded from the 2019/20 budget allocation for Section 356 contributions.</p>	<p>Financial assistance provided as agreed by Council.</p> <p>Letter of thanks received from Bowling Club.</p> <p>Complete.</p>
217/19	GM	<p><b>Riverina Antique Bottles and Collectables Fair – Request for Financial Assistance</b></p> <p>Council to provide assistance by:</p> <p>a) Publicising the event in the Council Newsletter and informing local businesses of the event; and</p> <p>b) Charging the half day fee for the hire of the Memorial Hall on the day of the event, i.e. 14 September 2019.</p>	<p>Financial Assistance provided as agreed by Council.</p> <p>The event has been promoted in the Council Newsletter and community Facebook page.</p> <p>Complete.</p>
216/19	GM	<p><b>Round 3 Stronger Country Communities Fund</b></p> <p>Council submit applications under Round 3 of the Stronger Country Communities Fund Program for the following projects:</p> <ol style="list-style-type: none"> <li>1. Life Skills for Young People program – proposed by Council's Youth Officer (\$66,000).</li> <li>2. The Rock Recreation Ground – replacement of netball courts (\$215,000).</li> <li>3. Osborne Recreation Ground – redevelopment of change room facilities (\$268,265).</li> <li>4. Lockhart Recreation Ground – upgrade of kitchen facilities (\$85,000).</li> <li>5. Pleasant Hills Public Hall – hall improvements (\$55,000).</li> <li>6. The Rock Recreation Ground – second oval (\$60,000).</li> <li>7. Yerong Creek Recreation Ground – upgrade of tennis courts (\$50,000).</li> </ol>	<p>Section 355 Committee notified of priorities determined by Council.</p> <p>Applications are currently been prepared for the nominated projects.</p>
210/19	TEDO	<p><b>Minutes of the TEDSC Meeting – Tim Fischer Statue/Lockhart Railway Station</b></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>
<b>Ordinary Council Meeting held 15 July 2019</b>			
188/19	DCCS	<p><b>Disused Buildings – French Park Tennis Courts</b></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 &amp; paid.</p>

177/19	DEES	<p><b>Shire and Town Entrance Signs</b> 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>
<b>Ordinary Council Meeting held 17 June 2019</b>			
159/19	DEES	<p><b>Community Engagement Strategy</b> Draft Community Engagement Strategy be placed on public exhibition for a period of not less than 28 days following which a further report be presented to Council together with any submissions received.</p>	<p>Community Engagement Strategy has been placed on public exhibition.</p> <p>A further report is being tabled at the August Council meeting to formally adopt the Strategy after considering any submissions received.</p> <p>Strategy adopted by Council.</p> <p>Complete.</p>
144/19	TEDO	<p><b>Minutes of the TEDSC Meeting – Public Art Projects</b> A submission be requested from the artists Scott Nagy and Janne Birkner to undertake the Milbrulong Water Tower project subject to their quotation being within budget.</p>	<p>In progress.</p>
<b>Ordinary Council Meeting held 15 April 2019</b>			
98/19	DEES	<p><b>Closed Council – My Community Grant Project – Public Toilets Green Street, Lockhart</b> Council endorse a grant application under the My Community Project grant for the establishment of public toilets and community facilities in Green Street, Lockhart</p>	<p>Grant application has been submitted.</p> <p>Council in discussions with property owner.</p> <p>Further advice from property has been received.</p> <p>No further action at this stage until result of grant funding application is received.</p> <p>Council unsuccessful with grant application.</p> <p>Complete.</p>
87/19	GM	<p><b>Crown Land Management</b></p> <p>a) Council endorse the actions outlined in the attached list of crown reserves and authorise the General Manager to make the necessary applications</p> <p>b) Ratify the appointment of the Director Engineering and Environmental Services as the Council's Authorised Officer and Native Title Manager for the purposes of the Crown Land Management Act 2016.</p>	<p>Notice of Crown land categorisation and related documentation has now been lodged with the Crown Lands Office.</p> <p>A Consultant's Brief has been prepared for the purpose of engaging a consultant to prepare plans of management for the Crown reserves, as required by the new legislation, and for which government funding has been received.</p> <p>Proposals from consultants received and currently being assessed.</p>

77/19	DCCS	<p><b>Lockhart Medical Centre Community Services Building</b> Council support the change of use to the Lockhart Medical Centre/Community Services, on the corner of Matthews and Hebden Streets in principle and provide a letter of landowner consent to a Development Application being lodged.</p>	<p>GM &amp; 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.</p> <p>Valmar are in the process of putting plans with proposed works together to present to Council for approval. No updates to report.</p>
<b>Ordinary Council Meeting held 18 March 2019</b>			
66/19	DEES	<p><b>Proposed Restructure – Engineering and Environmental Services</b> Proposed restructure to include:</p> <ul style="list-style-type: none"> <li>a) Regrading the vacant Grader and Roller Operator positions to a Plant Operator and a Labourer respectively;</li> <li>b) The addition of the position of Light Vehicle Mechanic in the organisation structure;</li> <li>c) The addition of the position of Compliance Officer (permanent part time 25.5 hours per week) in the organisation structure; and</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>a) New positions have been filled.</li> <li>b) Position has been filled.</li> <li>c) Position has been advertised. Currently assessing applications.</li> <li>d) To be extended at time of current term completion in October 2019.</li> </ul>
<b>Ordinary Council Meeting held 4 February 2019</b>			
25/19	DCCS	<p><b>Information Technology Systems Infrastructure</b></p> <ul style="list-style-type: none"> <li>a) Council approve the purchase of the additional information technology infrastructure up to value \$25,000; and</li> <li>b) Additional information technology infrastructure to be funded from December 2018 Quarterly Budget Review.</li> </ul>	<p>Contact has been made with selected suppliers. Tender specifications being finalised to initiate negotiations will select suppliers to continue.</p> <p>Ongoing.</p>
12/19	DEES	<p><b>Integrated Water Cycle Management Strategy – Sewerage Services</b> Council apply for funding under the Safe and Secure Water Program to undertake IWCM Strategy renewal.</p>	<p>DEES in discussions with DPI about grant funding for IWCM.</p> <p>Council staff working with DPI regarding the funding, which has confirmed Council is eligible for funding.</p> <p>Council has received and signed funding agreement. Waiting on fully executed funding agreement .</p> <p>Works to commence shortly.</p>

<b>Ordinary Council Meeting held 17 December 2018</b>			
344/18	GM/ DCCS	<b>Closed Agenda – Request from Osborne Recreation Ground Management Committee</b> 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 b) The General Manager and Director Corporate and Community Services be authorised to sign the lease on behalf of Council.	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.  In the hands of Friedlieb Fox McLeod to draw up agreements & have adjoining landowner sign.
<b>Ordinary Council Meeting held 15 October 2018</b>			
261/18	TEDO	<b>Minutes of the TEDSC Meeting – Water Tower Lighting</b> Consideration be given to funding to light the Lockhart Water Tower Mural and that Council investigate possible lighting options.	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.
260/18	TEDO	<b>Minutes of the TEDSC Meeting – Water Tower Long Term Maintenance</b> An agreed amount be held in reserve to enable future maintenance of the Lockhart Water Tower as and when needed.	MoU with RWCC being discussed.
<b>Ordinary Council Meeting held 17 September 2018</b>			
252/18	DCCS	<b>Closed Agenda – Information Technology Systems – Quotations</b> 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; 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; 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 d) Year 2 and ongoing annual license fees cost are to be incorporated and funded from Council's Operating Plan Budget.	Purchase Order for AssetFinda raised, software licence received and being reviewed.  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.  Purchase order raised for HPE Content Manager, Project manager from Civica has been assigned.



<b>Ordinary Council Meeting held 19 March 2018</b>			
68/18	GM	<p><b>Closed Agenda – Green Street West Lockhart – Price Review</b></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>
51/18	GM	<p><b>Lockhart Renewable Energy Project</b></p> <p>a) Project update provided by Better Energy Technology Pty Ltd noted,</p> <p>b) Lockhart Renewable Energy Project Information Brochure endorsed for distribution to Lockhart premises.</p>	<p>Phase 1 funding for the project has been announced by the Australian Government.</p> <p>A separate report has been included in the agenda for the 16 September 2019 Council meeting.</p>
<b>Ordinary Council Meeting held 21 August 2017</b>			
181/17	TEDO	<p><b>Minutes of the Tourism/Economic Development Steering Committee Meeting – Lockhart Railway Station</b></p> <p>Additional time to be given to source an alternative use/tenant for the Lockhart Railway Station building.</p>	<p>Complete.</p> <p>See 210/19.</p>
<b>Ordinary Council Meeting held 18 April 2017</b>			
72/17	DEES	<p><b>Caravan Parks</b></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) &amp; (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	<b>Old Lockhart Railway Station Building</b> Council to: a) Seek to find a suitable use/tenant for the building b) Begin negotiations with JHR to hand building back, if suitable use/tenant not found within next 6 months.	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.  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.
Ordinary Council Meeting held 19 August 2019 – Councillor Questions & Statements			
	DEES	<b>Cr Verdon – Trees – Cnr. Yerong and Urana Sts, The Rock</b> – Enquired if staff could take a look at the trees on the corner of Yerong and Urana Sts, The Rock, as a resident is concerned that despite recent works by staff, there is still on unhealthy tree.	DEES advised that he will investigate and take appropriate action. Council has assessed tree left and is satisfactory. Staff to continue to monitor. Complete.
	GM/ DCCS	<b>Cr Marston – Status of Work on the Second Oval, The Rock</b> – 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 <sup>nd</sup> oval.
	DEES	<b>Cr Marston – ‘Weed of the Month’ in the Council Newsletter</b> – Enquired if a suggested treatment could also be included with the ‘Weed of the Month’ in the Council Newsletter?	DEES advised that he will investigate and advise. Council, staff have looked at this before and on advice with other councils do not advise treatment in the newsletter as it can vary from situation to situation. Residents should contact Council staff for advice on their particular property. Complete.
	DEES	<b>Cr Rockliff – Possibility of Residents Living in a Shed on a Property in South Lockhart</b> – 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	<b>Cr Rockliff – New Shop Owners in Green Street Planning on Living in the Shopfront</b> – 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	<b>Cr Douglas – Tenison Lane, Lockhart</b> – 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	<b>Cr Douglas – Nursery, The Rock</b> – 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.

	DEES	<b>Cr Schirmer – Lockhart CBD Plans</b> – Enquired if the proposed Lockhart CBD Masterplan could be put on the Council website?	DEES advised that this is possible and a copy of the plans is available for viewing at the front counter of the Council office. Plan are uploaded to Council website. Complete.
	DCCS	<b>Cr Schirmer – Lockhart Show Advertising in the Council Newsletter</b> – Enquired if the Lockhart Show Society would be able to advertise the upcoming Lockhart Show in the Council Newsletter?	DCCS advised that yes, the Lockhart Show can be advertised in the Council Newsletter as per previous years. Complete.
<b>Ordinary Council Meeting held 15 July 2019 – Councillor Questions &amp; Statements</b>			
Councillor's Questions	DEES	<b>Cr Marston – Creek Crossing on Jaegers Lane</b> – 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.
	GM	<b>Cr Verdon – Stronger Country Communities Fund Projects – in particular The Rock Observatory Project</b> – Enquired on the status of discussions with CSU and Crown Lands regarding Stronger Country Communities Fund projects, in particular The Rock Observatory project?	GM advised that discussions were continuing and progressing much slower than hoped and response was still awaited from CSU regarding a partnership arrangement.
<b>Ordinary Council Meeting held 17 June 2019 – Councillor Questions &amp; Statements</b>			
Councillor's Questions	DEES	<b>Cr Rockliff – Farrells Lane</b> – 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	<b>Cr Day – Compliance Officer</b> – 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.
	DEES	<b>Cr Verdon – Status of No Truck Parking, The Rock</b> – Enquired on the status of the No Truck Parking in The Rock?	DEES advised that a report has been sent to the Traffic Committee and he is awaiting approval. Traffic committee approval has been received. Signs to be installed shortly. Sign have been erected. Complete.

Ordinary Council Meeting held 20 May 2019 – Councillor Questions & Statements			
	DEES	<b>Cr Douglas - Carns Lane</b> – 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	DCCS	<b>Cr Sharp - Pleasant Hills Hall Public Toilet</b> – Enquired if the Director Corporate and Community Services has determined if the Pleasant Hills Hall public toilets were on the public toilet register?	DCCS advised that he was still investigating the matter, but in the meantime had paid for the cistern repairs and toilet paper supply.
	DEES	<b>Cr Verdon - Drain at Western End of Wilson Street and also Corner of Bretton and Urana Streets, The Rock</b> – 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	DCCS	<b>Cr Verdon - Public Toilets at The Rock Recreation Ground</b> – Advised that The Rock Recreation Ground toilets often do not have sufficient toilet paper supply left at the end of the week to cater for campers and/or home football games.	DCCS advised he will investigate and take appropriate action.
	DEES	<b>Cr Day – Brookong Reserve Signs on Urana Road, Lockhart</b> – 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	<b>Cr Driscoll – Lockhart Shire Council Block of Land, Scott Street, The Rock</b> – 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	<b>Cr Driscoll – The Rock Town Entrance Sign</b> – 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.

<b>Ordinary Council Meeting held 19 November 2018 – Councillor Questions &amp; Statements</b>			
Councillor's Questions	DEES	<p><b>Cr Verdon – Council Contribution – The Rock Recreation Ground</b> – 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?</p>	<p>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.</p>
<b>Ordinary Council Meeting held 21 May 2018 – Councillor Questions &amp; Statements</b>			
	DEES	<p><b>Cr Rockliff – Water going into Back Yards between Green &amp; Hebden Sts, Lockhart</b> – Advised he has been approached by 2 residents regarding water going into back yards between Green and Hebden Sts, Lockhart.</p>	<p>DEES advised he is aware of the issue and will investigate when time and resourcing permits.</p>
<b>Ordinary Council Meeting held 20 November 2017 – Councillor Questions &amp; Statements</b>			
Councillor's Questions	GM	<p><b>Cr Marston – Potential Purchase of Land for Development</b> – 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.</p>	<p>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.</p>
<b>Ordinary Council Meeting held 17 July 2017 – Councillor Questions &amp; Statements</b>			
	COUNCILLORS	<p><b>Cr Schirmer – Councillor Relaxed Visits throughout Shire</b> – 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.</p>	<p>Councillors attended the Friday fish &amp; chips night at Yerong Creek on 6 July 2018.</p>

**16 September 2019 Council Meeting - Correspondence Sent to Councillors**

Date to Councillors	From	Subject	File Ref
16/08/19	Leo Driscoll	Nursery in Emily Street, The Rock	C50-005
16/08/19	Cr Linda Scott, LGNSW	LGNSW Weekly – 15 August 2019	S20-007
19/08/19	ALGA News Editor	ALGA News – 16 August 2019	A75-005
22/08/19	The Sydney Morning Herald	Former Deputy Prime Minister Tim Fischer dies	C75-020
23/08/19	Australian Electoral Commission	Election Notice – conduct of the election for Board positions on LGNSW	S20-005
29/08/19	ALGA News Editor	ALGA News – 23 August 2019	A75-005
29/08/19	Cr Linda Scott, LGNSW	LGNSW Weekly – 22 August 2019	S20-007
06/09/19	Cr Linda Scott, LGNSW	LGNSW Weekly – 5 September 2019	S20-007
06/09/19	Peter Veneris, LSC	Councillor Training Opportunity – Financial Issues in Local Government	C85-010
09/09/19	ALGA News Editor	ALGA News – 6 September 2019	A75-005

**Recommendation:** That the information be noted.

<b>Notes:</b>

## Staff Reports

### **STRATEGIC DIRECTION A: A Connected and Resilient Community**

**1. REQUEST FOR ASSISTANCE – LOCKHART PICNIC RACE CLUB INC. (GM/D30-005)**

Executive Summary

A request for financial assistance has been received from the Lockhart Picnic Race Club Inc. and is tabled for Council's consideration.

Report

The Lockhart Picnic Race Club Inc. has written to Council seeking financial support towards the watering of the race track leading up to the annual picnic race meeting held on 4 October 2019. A copy of the correspondence is attached.

A similar approach was made to council last year due to the very dry winter leading to the race track being unusually hard, which can have a detrimental effect on the race horses, often resulting in horse owners/trainers pulling out of the race meet. On that occasion a total of 365 KI was used by the Committee, equating to \$748 in supply cost. Following representations being made to Riverina Water the cost was met 50/50 between Lockhart Shire and Riverina Water with each contributing \$374.

It will be noted from the Club's correspondence, a copy of which is attached, that the Club has not quantified its request. This is because it is endeavouring to address the situation through other sources without requiring to access water from Riverina Water's reticulated system, and the request for Council support is being made in the event that these other alternatives do not come to fruition.

In view of the circumstances and the uncertainty regarding the actual amount of financial support that the Club may require, it is suggested that Council consider approving a contribution to a pre-determined maximum amount.

Integrated Planning and Reporting Reference

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

A1 - Provide or partner to provide cultural and sporting participation opportunities.

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

A1 - Provide support and advice to community groups, clubs and volunteers.

Legislative Policy and Planning Implications

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

Budget and Financial Aspects

Council's 2019/20 Budget includes an allocation of \$52,100 for the purpose of providing financial assistance to community groups in the Shire in accordance with section 356 of the Local Government Act.

Attachments

1. Letter from Lockhart Picnic Race Club Inc. dated 9 September 2019.

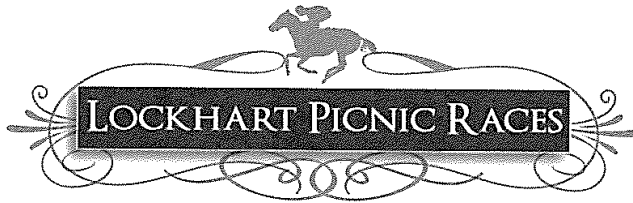
**Recommendation:** That:

- a) Council provide financial support to a maximum of \$350 to the Lockhart Picnic Race Club Inc to assist with the cost of the water supply; and
- b) Council make representations to Riverina Water County Council requesting that it consider making a similar contribution.

<b>Notes:</b>



**Attachment 1. – Letter from Lockhart Picnic Race Club Inc. dated 9 September 2019**



LOCKHART PICNIC RACE CLUB INC.  
PO BOX 7, LOCKHART NSW 2656  
ABN 87 655 644 224

9 September 2019

Mr Peter Veneris  
General Manager  
Lockhart Shire Council  
PO Box 21  
Lockhart NSW 2656

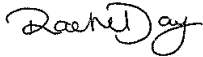
Dear Peter,

As part of preparations for the 2019 Lockhart Picnic Races and due to the ongoing drought conditions, the Committee have determined it essential to again apply water to the Lockhart Race track in order for it to meet minimum standards for racing.

The Committee is seeking the support of Lockhart Shire Council to assist with the costs incurred in watering of the race track.

We look forward to your support and to cooperatively working to keep this important event on the Lockhart Shire social calendar. Should you have any questions, please contact Charlie Smith on 0429 205 336.

Kind Regards



Rachel Day  
Secretary  
E: lockhartpicnics@gmail.com

[www.lockhartpicnicraces.com](http://www.lockhartpicnicraces.com)

## **STRATEGIC DIRECTION B: A Dynamic and Prosperous Economy**

### **2. LOCKHART RENEWABLE ENERGY PROJECT**

**(GM/E20-010)**

#### Executive Summary

Council has secured Commonwealth Government funding for Stage 1 of Better Energy Technology Pty Ltd's (BET) Renewable Energy Project for the township of Lockhart and has given public notice of a proposal to provide financial assistance to BET to undertake Stage 1 of the project.

#### Report

Council has secured funding for Stage 1 of Better Energy Technology Pty Ltd's (BET) Renewable Energy Project proposed for the township of Lockhart. The funding totalling \$1 million is being provided under the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development's Community Development Grants Program.

The project aims to demonstrate that a town like Lockhart can be 100% self-sufficient using renewable energy sources with battery storage technology to power the town 24 hours a day seven days a week whilst remaining connected to the grid. In addition to enhancing energy security the project will result in reduced power prices for the town's residents and businesses thereby providing significant economic development opportunities for the town.

The purpose of the Stage 1 funding is to prepare and submit the documentation required for the necessary planning approvals, regulatory approvals and connection agreements with the grid operator. Stage 1 will also include project design, financial modelling and technical optimisation for the project.

At its October 2017 Council meeting, Council resolved to support the project in principle and to, amongst other things, assist BET "...with grant funding applications with ARENA as well as Federal & NSW Government agencies applicable to the project". It has always been Council's intention to play a facilitating role rather than have a direct involvement in delivering the project.

Notwithstanding this, Commonwealth government funding for Stage 1 has been secured in the form of a grant to Council. At its meeting held on 19 August 2019 Council resolved to give public notice pursuant to Section 356 of the Local Government Act 1993 that it proposed to pass a resolution at the Council meeting to be held on 16 September 2019 to provide financial assistance to BET to undertake Stage 1 of the project.

The requirement to give 28 days' public notice of its intention to pass such a resolution was necessary in order to comply with Section 356 of the Local Government Act which states that:

- 1) *"A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*
- 2) *A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given".*

Public notice has been given through the local press, Council website, Community Facebook page and the Council Newsletter. No submissions or comments were received.

It is understood by the funding body that the project activities relating to Stage 1 will be undertaken by BET. The funds will be released to Council in six instalments as follows;

- One initial payment of 10% on signing of the Funding Agreement;
- Four progress payments of 20% subject to the lodgement of progress reports;
- One final instalment of 10% following completion of the project.

It is proposed that the funding will in turn be provided to BET in the same instalments subject to acceptance of the progress reports by the funding body.

To facilitate this, and in accordance with a resolution passed at the 19 August 2019 Council meeting, a separate agreement has been prepared between Council and BET which mirrors the funding agreement between Council and the Commonwealth. This agreement will require BET to submit the same milestone progress reports that are required to be submitted by Council to the Commonwealth. Subject to the acceptance of the progress reports by the funding body, Council will make progress payments to BET.

There are two additional matters dealt with in the agreement between Council and BET that are not part of the funding agreement between Council and the Commonwealth. Firstly, the agreement with BET contains an acknowledgement that Council has a first option or first right of refusal to acquire the project assets at the end of the demonstration project. Council has previously considered a suggestion by BET that Council or a community based entity acquire and own the assets at the end of the demonstration. Council determined that having a first right of refusal is the most risk averse position to adopt. This way it can play a wait and see role, observe the degree of success of the demonstration project and assess both the risks and rewards of acquiring the assets at the relevant time. This way a future Council will not be bound to acquire the assets but, in the event that it is determined to be a good proposition, it will be placed at the front of the queue in any negotiation.

Secondly, the agreement acknowledges that the outcomes of Stage 1, i.e. planning and regulatory approvals, project design etc, will be the property of BET. This is consistent with the position adopted by Council from the outset, i.e. that it play a facilitating role only in helping BET secure funding so it, rather than the Council, can deliver this project for the town. Subject to successful completion of Stage 1 it will be BET and not Council that will have to raise the capital for Stage 2 of the project which involves the actual construction of the solar farm, battery storage and related infrastructure.

With respect to economic development opportunities an approach has been made from a potential industry. They have visited Lockhart and looked at blocks in the Industrial Estate in close proximity to the renewable energy project. Arrangements are being made for the party concerned to address Council.

#### Integrated Planning and Reporting Reference

B1 - Provide strong strategic direction for economic development.

C1 - Where practical improve the energy efficiency of Council buildings.

C1 - Develop and implement a strategy that works towards Lockhart Shire being carbon neutral.

C1 - Investigate installation of new energy efficient street lighting.

C1 - Investigate programs and initiatives that promote renewable energy options for households and industry.

#### Legislative Policy and Planning Implications

According to Section 356 of the Local Government Act a proposed recipient who acts for private gain is not ineligible to be granted financial assistance from Council. However, the proposed recipient must not receive any benefit until at least 28 days' public notice of the Council's proposal to pass the necessary resolution has been given.

#### Budget and Financial Aspects

The amount of financial assistance to be provided to BET is the amount Council will receive from the Commonwealth Government in the form of a Community Development Grant so that there will be no net impact on Council's budget.

#### Attachments

Nil.

**Recommendation:** That Council:

- a) Having secured Commonwealth government funding totalling \$1 million for the Better Energy Technology Renewable Energy Project for Lockhart Township; and
- b) Having given 28 days public notice of its intention to do so:
- 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.

<b>Notes:</b>

## **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 by the request of the landholder.

The weeds most commonly found were Bridal creeper (*Asparagus asparagoides*), Horehound (*Marrubium vulgare*), Privet (*Ligustrum* sp.), Sweet briar (*Rosa rubiginosa*), Asparagus weed (*Asparagus* sp.), Wild radish (*Raphanus raphanistrum*), Green cestrum (*Cestrum parqui*), and Giant reed (*Arundo donax*).

No. 1 <sup>st</sup> Inspections	No. Re-inspections required	No. 2 <sup>nd</sup> Inspections	No. Biosecurity Undertakings Accepted	No. Biosecurity Directions Issued	No. 3 <sup>rd</sup> Inspections	No. 4 <sup>th</sup> Inspections
29	9	0	0	0	0	0

##### ***Control Program***

Priority has been given to the control of Bridal creeper (*Asparagus asparagoides*), Horehound (*Marrubium vulgare*), St John's wort (*Hypericum perforatum*), and Wild radish (*Raphanus raphanistrum*) on roadside reserves.

##### ***NSW Weeds Conference***

Council's Environmental Officer attended the 20<sup>th</sup> NSW Weeds Conference in Newcastle held on the 26 to 29 August. The conference aimed to provide delegates with opportunities to build or strengthen networks, partnerships, and to raise awareness of challenges and opportunities for those working in the field of weeds. The presentations were selected to highlight advances in weed management in NSW.

The emphasis of the conference was on biocontrol, putting the we into weeds and community engagement, risk management, human behaviour, weed management, innovative weed control, alternative weed management, peri urban, innovations and technology.

##### Topics included:

- Managing cross border priority weeds.
- Successes and pitfalls of historical weed incursions.
- Weed hygiene and stopping weeds at the gate.
- Herbicide resistant.
- Alternative weed control including steam application, encapsulated dry herbicides, introduction of hormones to prevent seed set, Aboriginal Cultural burning, eco-pigs, and essential oil products.
- Emergency response to the detection of prohibited matter, following the discovery of black knapweed in Tenterfield in March 2019; and
- DNA diagnosis in the field to identify Chilean needle grass and serrated tussock amongst native grasses.

## **Pests**

### ***Common White Snail Baiting Program***

Snail baiting application occurred on Fairview Lane on 15 August.

### ***Indian Myna Bird Invasion***

Concerned residents within the Shire have contacted the Council office regarding cage designs, sightings, and advice in the control of the Indian Myna bird following Council snippets including in the Council newsletter.

## **Environmental Matters**

### ***NSW Linear Reserve Environmental Management Forum***

Council's Manager Environmental Services and Environmental Officer attended the NSW Linear Reserve Environmental Management Forum in Sydney on 21 August. The forum was hosted by the NSW Roadside Environment Committee with the vision of Linear Reserves: Linking People, Nature and Infrastructure. Topics included:

- The historical context of linear reserves in NSW.
- Putting environmental management into practice.
- Local Land Services state-wide travelling stock reserves plan of management.
- Local council roadside environmental management.
- Implementing the Biosecurity Act.
- Roads and Maritime Services environmental management of roadsides.
- Bushfire environmental assessment code.
- Managing bridges, culverts and other structures that provide habitat.
- Using drones for environmental assessments.
- Sharing and Enabling Environmental Data (SEED) Services and Proposed Area of Interest Tool.
- Natural Asset Management.
- Biodiversity Stewardship Agreements and linear reserves, using conservation agreements as conditions of consent.
- Ecomapping
- Essential Energy approach to biosecurity risk management and community engagement.
- The role of street vegetation management and biodiversity.

### ***Eastern Riverina Landcare Group Meeting***

On 11 August, members of the Eastern Riverina Landcare Group coordinated squirrel glider nesting box inspections on Munyabla Cemetery Road. Squirrel gliders (*Petaurus norfolcensis*) is a threatened species present within the Lockhart Shire. Thirty nesting boxes were inspected within Munyabla Cemetery Road. Three nesting boxes were found to contain one or more squirrel gliders. Twelve nesting boxes contained used glider nests. Three boxes showed evidence of new nesting material being brought in. The highest rate of nesting and all glider sightings were in the northern end of the road, believed to be due to the presence of improved connectivity to other habitat and a higher density of older nesting boxes. These statistics are essential to provide a base line in the monitoring of the squirrel gliders population, have implications for any works scheduled within this area, will be valuable in applying for grant funding, provide guidance in flora species selection for revegetation purposes, and emphasizes the necessity to uphold pest control.

### **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 be noted.

<b>Notes:</b>

**4. CONTROL OF BURNING UNDER LEGISLATION**

**(MES/B35-015)**

Executive Summary

The NSW Government is remaking the Protection of the Environment Operations (Clean Air) Regulation 2010 (the regulation), and participation is sought from Lockhart Council.

Report

The NSW Government is remaking the Protection of the Environment Operations (Clean Air) Regulation 2010 (the Regulation), with specific relevance to the provisions for the control of burning in the open.

The Regulation has been highly successful in eliminating backyard burning and improving air quality in the Greater Metropolitan Area (Newcastle, Sydney and Wollongong) as well as in many regional areas of NSW. Feedback to government in recent years indicates that the Regulation provides adequate regulatory measures for use by local councils where burning in the open needs to be controlled.

Schedule 8 of the Regulation includes three parts under which a council can choose to be listed. This enables the council to choose a level of control on burning that is appropriate to conditions in the local government area (LGA):

- Part 1 lists LGAs having the highest level of control, where all burning in the open is effectively prohibited except with approval by the EPA.
- Part 2 lists LGAs where the burning of vegetation is prohibited except with approval by council.
- Part 3 lists LGAs where all burning of waste (other than burning of vegetation) is prohibited except with approval by the EPA.

Although not currently listed under any of these three parts, Lockhart Council have been addressing the regulation of burning as if under Part 3, to ensure consistency with other Councils in the Riverina.

With the legislative review currently underway, the NSW Department of Planning, Industry and Environment are inviting Council to consider the options for management of open burning and consider nominating Lockhart Shire to be listed in Schedule 8 of the Regulation. Under Part 3 of Schedule 8, a person must not burn anything (other than vegetation):

- (a) in the open, or
- (b) in an incinerator,

in a local government area specified in Part 3 of Schedule 8 except in accordance with an approval.

The EPA may grant an approval for the purposes of Part 3, and before granting an approval, the EPA must take the following matters into consideration:

- (a) the impact on regional air quality and amenity,
- (b) the impact on local air quality and amenity,
- (c) the feasibility of re-use, recycling or other alternative means of disposal,
- (d) any opinions of the sector of the public likely to be affected by the proposed approval, and
- (e) any other item listed in the regulation.

Councils currently regulating the control of burning in the open under Part 3 include Wagga Wagga, Narrandera, Greater Hume, Coolamon, Cootamundra, Junee, Leeton, and Temora. As Lockhart Council have already been addressing the regulation of burning as if under Part 3, it is recommended that Lockhart Council notify the Department of its intention to be nominated under Part 3 of Schedule 8 of the Regulation.

Integrated Planning and Reporting Reference

C1 - Our environmental practices are sustainable.

Legislative Policy and Planning Implications

Control of burning in the open, and other scheduled activities, are regulated by the Protection of the Environment Operations (Clean Air) Regulation 2010, and the Protection of the Environment Operations Act 1997.

Budget and Financial Aspects

Nil.

Attachments

Nil.

**Recommendation:** That Lockhart Shire Council notify the Department of Planning, Industry and Environment of its intention to be nominated under Part 3 of Schedule 8 of the Regulation.

<b>Notes:</b>

**5. FOGO KERBSIDE COLLECTION**

**(MES/W05-050)**

Executive Summary

Update on the status of the implementation of Food Organics and Garden Organics (FOGO) kerbside collection.

Report

At its meeting October 2017 Council resolved to award the Contract for the kerbside collection of waste to Cleanaway, which included 3-bin system of which one bin is to be for Food Organics and Garden Organics (FOGO), commencing 1 April 2018. In August 2018, the implementation was delayed until 1 April 2019, due to delayed announcements of grant applications.

In early December 2018 Council was successful with the grant application to implement FOGO, allowing funds to purchase bins, kitchen caddies, and to deliver an education program for residents. As part of this grant, contracting firm Projectura have been engaged to develop an education and communication strategy, bin audits, and to facilitate the FOGO collection rollout. As the first component of the rollout, a survey will be sent out to all residents to collect feedback, perceptions and identify any potential issues relating to the proposed new FOGO service. The survey also acts as a communication tool to promote the introduction of the service. The survey will be made available online from 20 September 2019, with notification to residents via the Council website, Council newsletter, social media.

Once results of the survey have been collated, Council will work with staff from Projectura to develop a draft Education and Communication Plan that focuses on educating the community about the change of service; pre, during and post service introduction.

The plan will include face to face engagement with community and businesses, promotional material for households, online and social media information and information for Lockhart Shire newsletters.



Integrated Planning and Reporting Reference

C1 - Our environmental practices are sustainable.

Legislative Policy and Planning Implications

Waste management and associated services are regulated by the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 2014.

Budget and Financial Aspects

Council received \$120,550 in funding under the NSW Environmental Trust Waste Less Recycle More Organics Collections grants program, (in partnership with the NSW Environment Protection Authority). These scheduled works form part of the activities funded by the grant.

Attachments

Nil.

**Recommendation:** That the information be noted.

<b>Notes:</b>

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

### **6. ENGINEERING REPORT**

(DEES/T10-005)

#### Executive Summary

Monthly report on engineering matters.

#### Background Information

- (a) *Works Report:* Three grader crews are undertaking maintenance grading and gravel re-sheets in accordance with the new 12-month programme. Preparations for Urana Lockhart Road widening project are well advanced, with works anticipated to commence mid-late September 2019. Western Road widening is scheduled to commence mid-October 2019. Delays should be expected on all the construction jobs once commenced.

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 end of September 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 due to be delivered to site in the coming months.

- (b) *Flood Mitigation:* Refer to Major Projects update.
- (c) *Road Safety Officer:* The Road Safety Officer is continuing with the safety audit of all roads within the Shire. The audit will form the basis of Council's Strategic Road Safety Plan and will be used for grant applications in the future.
- (d) *Traffic Committee:* Nil to report.
- (e) *Lockhart Local Emergency Management Committee:* Next LEMC meeting is scheduled for Friday, 18 October 2019.
- (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

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

**Recommendation:** That the information be noted.

<b>Notes:</b>

**7. MAJOR PROJECTS UPDATE – SEPTEMBER 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 continues to progress very well with the contractor now removing equipment from site and due to fill the new pools in the coming weeks. Council staff have ordered all materials required and have commenced installation works and as well as the new fencing. It is anticipated that the works will be fully completed by mid-October 2019, with opening date set for Saturday 26 October 2019.
- (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, with settlement due late October 2019. 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. Once the new culverts are delivered to site, hopefully in the coming weeks, then the contractor will proceed onto the Albury Road then Lockhart The Rock Road works. Some delays are expected when works occur on Albury Road with a side-track being put in place. 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. Project is expected to be completed prior to Christmas 2019.
- (d) *Flood Mitigation Construction-The Rock:* A grant application has been submitted for Stage 2 flood mitigation works at The Rock, being the drainage works along Nicholas, Yerong and Urana Streets. It is not anticipated to hear any outcome on this application till late 2019.
- (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 is set to be near the netball courts at the current entrance to the Recreation Ground, with a new entrance to be constructed to the east as part of the swimming pool upgrade works along Wilson Street. Works are expected to commence in November 2019 and 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.

- (f) **Lockhart Renewable Energy Project:** Council has also been successful in gaining \$1M funding from the Federal Government's Community Development Grant programme to enable Better Energy Technology to undertake Stage 1 of the project. Stage 1 entails the detail design, financial modelling, DA applications, and connection agreements with Essential Energy. This project has also been subject of separate reports to Council.

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.
- (iv) Stage 1 of the Lockhart Renewable Energy project is \$1M, with the overall project budget being approximately \$30M.

Attachments

Nil.

**Recommendation:** That the information be noted.

<b>Notes:</b>

**8. PARKS AND GARDENS REPORT**

**(DEES/P10-005)**

Executive Summary

Monthly report on parks and gardens.

Report

**The Rock Pool**

The new playground equipment has been installed by suppliers. Council staff will now install bark softfall and edging to retain it.

**Inclusive Playground**

\$75000 has been granted to Council from the NSW Government's Everyone Can Play initiative to partially fund a new playground for The Rock. Council's financial commitment to this project has been included in the 2019/20 budget. Council representatives met with community groups and interested parties recently to discuss location, equipment and creative ideas. The revised plan has been accepted by the focus group and grant administrators; quotes will now be sort to supply and install the playground equipment.

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.

The new playground will be installed at The Rock Recreation ground and will follow the design principles to create a playspace for everyone, regardless of age, ability (both physical and mental) or cultural background.

**Trees**

Pruning of street trees and laneway vegetation has continued.

A number of dead and dangerous trees have been removed with the assistance of a cherry picker.

Watering of street trees planted in the last two years will recommence soon.

**Mowing and Slashing**

Slashing of roadsides and town entrances will become a priority during the spring growth period and busy events period.

The onset of warmer weather will see the fortnightly scheduling of mowing and edging the parks and recreation grounds reintroduced shortly.

**Weed Control**

Regular weed control is being conducted on Council property including hand spraying and weeding of gardens. Spraying lawns for broadleaf weeds especially clover is being conducted.

**Parks and Gardens**

Winter pruning of Shire's roses has been conducted.

Irrigation systems will be inspected and maintained in preparation for growth season.

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.

<b>Notes:</b>

**9. PETITION – REPLACEMENT OF KERB & GUTTER, GALORE STREET, LOCKHART  
(DEES/R40-015)**

Executive Summary

Council has received a petition to replace a section of kerb & gutter along Galore Street, Lockhart.

Report

Council has received a petition to replace a section of kerb & gutter along Galore Street, from Number 2 to Number 12. The petitioners state the kerb & gutter is low and holds water after rain events.

Staff have assessed the site and conclude that it is not performing as would be expected. This is similar to many other sites across the Shire, especially where damage has occurred due the garbage truck.

Staff propose that this section of kerb & gutter is to be included in a future capital works program along with other damaged sections across the Shire.

Integrated Planning and Reporting Reference

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

Legislative Policy and Planning Implications

Nil.

Budget and Financial Aspects

- Replacement cost for the kerb & gutter in Galore Street estimated to be \$40,000.
- Maintenance budget for Footpaths, Kerb & gutter for 2019/20 is \$10,000
- There is nil budget for kerb & gutter replacement in 2019/20.

Attachments

1. Petition dated 21 August 2019 from residents in Galore Street, Lockhart.

**Recommendation:** That Council:

- a) Notes the information provided in the report; and
- b) The replacement of the kerb and gutter in Galore Street, Lockhart be considered in a future capital works budget.

<b>Notes:</b>

**Attachment 1. – Petition dated 21 August 2019 from residents in Galore Street, Lockhart**

2 Galore Street,  
 Lockhart, NSW 2656

21<sup>st</sup> August 2019

Mr. Peter Veneris  
 General Manager,  
 Lockhart Shire Council  
 Green Street  
 Lockhart NSW 2656

File No:	R40-015
Log:	31124
	INFO REPLY REPORT
GM	<input checked="" type="checkbox"/>
DCCS	<input type="checkbox"/>
Rec'd	3 SEP 2019
DEES	<input checked="" type="checkbox"/>
MES	<input type="checkbox"/>
HR	<input type="checkbox"/>
TEDO	<input type="checkbox"/>

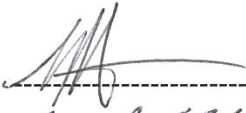
*aw 3/9/19*

Dear Sir,  
 cc. To Council Meeting,

Residents of Galore Street wish to draw attention to Lockhart Shire Council about the low kerbing on the south side of Galore Street, from the corner of No 2 to No 12. After rain, the gutter fills up with storm water and is unable to drain away, causing damage, pollution and breeding insects.


We are sure Council would agree after inspection this is unsuitable for storm water to lay in the gutter till it evaporates away. No doubt this has been a problem for some time and ask that it needs fixing to drain the water away for health, pedestrian safety and tidy reasons.

Your sincerely


G J Gooden Signed  Date 27-8-19

G T O'Connell Signed  Date 27-8-19

M. Jenkyn Signed  Date 30-8-19

*Y.* E. Kurrle Signed  Date 27-9-19

H. Jones Signed  Date 27-8-19

R. Bedford Signed  Date 27-8-19

*m*  
 G. Harper Signed  Date 31-8-19

10. 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 August to 31 August 2019.

DA No	Development	Applicant/Owner	Site of Development
6/20	Container Swimming Pool	Mr T Lehmann	3567 Lockhart Collingullie Rd, Lockhart

Integrated Planning & Reporting Reference

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

Legislative Policy and Planning Implications

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

Budget and Financial Aspects

Nil.

Attachments

Nil.

**Recommendation:** That the information be noted.

Notes:

11. UNDERGROUND PETROLEUM STORAGE SYSTEMS

(MES/E30-055)

Executive Summary

On 1 September 2019 NSW Councils will reassume responsibility for regulating most underground petroleum storage systems (UPSS) in their local areas.

Report

The updated Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 commences on 1 September 2019. From this date, NSW Councils will reassume responsibility for regulating most underground petroleum storage systems (UPSS) in their local areas.

More than 60% of contaminated sites notified to the EPA were contaminated by petroleum. Historically, underground fuel tanks and pipes were single-walled and made of steel. Steel is more vulnerable to corrosion than newer materials such as fibreglass and other composites. The release of petroleum through leaks and spills from underground storage systems can contaminate the soil, groundwater, surface water and air. Clean up of contamination in soil and groundwater is costly for the community and individuals and may also restrict the future use of land.



In 2008, the EPA assumed responsibility for regulating UPSS sites to lift the standards of design, construction and operation of UPSS. The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation was introduced to focus on preventing leaks and detecting/fixing them early. It was envisaged that after an implementation period for the new requirements of around 5 years, responsibility for these sites would transition back to Councils. Compliance with the UPSS requirements has reached levels where transitioning responsibility back to Councils is now appropriate.

The EPA is currently delivering a training package on regulating UPSS sites for local council officers, and Council will receive a 'handover package' of information about known UPSS sites in the Lockhart LGA. The package will also include templates for inspections, leak notification forms and notices. The EPA will also shortly be releasing guidance materials to assist council officers in undertaking inspections, determining compliance with the Regulation, and following up non-compliances or incidents.

The EPA is also funding specialist contaminated land officers in rural and regional councils through the \$4.2M Council Regional Capacity Building Program. The program helps to ensure participating Councils have resources and improved knowledge of the legal duties and technical aspects of contaminated land management. REROC has been successful in applying for funding through the program, however despite an extensive advertising campaign, have been unable to appoint a suitable candidate to date.

Council's Manager Environmental Services will inherit the role of regulation and compliance of UPSS in the Lockhart LGA, and the next available training being offered is scheduled for November 2019 at Wagga Wagga.

Given Council's new compliance role with respect to UPSS, consideration should be given to our own UPSS infrastructure at the Lockhart Depot. Recently, Council arranged for soil testing to be undertaken around the current underground diesel fuel tanks at the Lockhart Depot to determine if there is any contamination. The tanks were implemented over 30 years ago with no plans or layout designs. Results from this testing are yet to be obtained, however there will almost certainly be evidence of ground surface contamination. Rather than replacing the tanks with new, self-bunded tanks, Council staff are establishing some costings to install ground water monitoring bores and concrete bunded filling stations, to better meet industry best practice, and to satisfy Council's liabilities as a UPSS user and regulator.

#### Integrated Planning and 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

Cost of staff time dedicated to inspections, training and administration will be absorbed by Council's delivery and operational plan.

Cost of upgrades to Council's existing UPSS, if required, will be given consideration in the 2020-2021 budget, with some funds already allocated towards Depot Improvements.

#### Attachments

Nil.

**Recommendation:** That the information be noted.

<b>Notes:</b>

## **STRATEGIC DIRECTION E: Strong Leadership and Governance**

### 12. INVESTMENT AND BANK BALANCES REPORT – 31 AUGUST 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.

1. INVESTMENT AND BANK BALANCES REPORT- 31 August 2019

(DCCS/F10-010)

#### Executive Summary

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

#### Report

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

#### Cash at Bank

<b>Opening Combined Cashbook Balance</b>		896,176.74
Add: Total Receipts		
	Rates	910,276.35
	Debtors	74,193.04
	Interest	8,135.43
	Redeemed Investment	300,000.00
	June BAS Refund	9,664.00
	Miscellaneous	62,547.16
	Grants:	
	Milbrulong Road - 18-19 FM-038	43,226.73
	FAG - 1st Qtr Grant	445,884.00
	Everyone can play Grant	15,000.00
	Sale of Carson Road	95,822.22
	Sale of Plant	49,688.80
		2,014,437.73
Less: Total Payments		1,274,328.23
	New Investments	1490-3015-0001
<b>Closing Combined Cashbook Balance</b>		<b>1,636,286.24</b>
<b>Closing Bank Statement Balance</b>	Bendigo Bank	778,599.89
	Macquarie Bank	660,701.43
	Bendigo Bank-Prichard Trust	31,656.65
		1,470,957.97
Add: Outstanding Deposits		176,069.53
		1,647,027.50
Less: Outstanding Cheques		10,741.26
<b>Closing Combined Cashbook Balance</b>		<b>1,636,286.24</b>

Investments:	Interest Rate per Annum	Amount Invested	% of Total
AMP RIM	2.30	250,000.00	3.76
AMP/RIM	2.30	500,000.00	7.52
Bankwest	1.85	500,000.00	7.52
Bankwest	1.65	400,000.00	6.02
Bankwest	at call	500,000.00	7.52
Bendigo	2.10	500,000.00	7.52
Bendigo	2.05	400,000.00	6.02
BENDIGO	1.95	250,000.00	3.76
BENDIGO	1.75	100,000.00	1.50
BENDIGO	1.75	250,000.00	3.76
BENDIGO	1.70	500,000.00	7.52
NAB	2.10	500,000.00	7.52
NAB	2.03	500,000.00	7.52
NAB/Tcorp	2.06	500,000.00	7.52
T Corp	at call	1,000,000.00	15.04
		<b>6,650,000.00</b>	100.00

#### General Ledger Balances as at Month End

FUND	AMOUNT
General (PTD)	1490-3000-0000 1,306,929.65
Combined Sewerage	8490-3000-0000 297,699.94
Trust Fund	9991-3000-0000 31,656.65
	1,636,286.24
<b>TOTAL FUNDS HELD ARE:</b>	<b>1,636,286.24</b>
	<b>8,286,286.24</b>

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 month of August 2019, the average end of month balance of funds invested has been \$6.80 million and the average return on invested funds has been 2.04%. 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 valued 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 August 2019 Investment and Bank Balances Report be received and noted.
- b) The Responsible Accounting Officer Statement be noted, and the report be adopted.

<b>Notes:</b>

**13. IPART REVIEW OF REPORTING AND COMPLIANCE BURDENS ON LOCAL GOVERNMENT  
(GM/I05-005)**

Executive Summary

The Final Report of the Independent Pricing and Regulatory Tribunal's (IPART) Review of reporting and compliance burdens on Local Government has been released. Submissions are being invited by the Office of Local Government (OLG) in relation to IPART's recommendations and will be received up until 25 October 2019.

Report

The NSW Government asked IPART to identify inefficient, unnecessary or excessive burdens placed on local government by the State in the form of planning, reporting and compliance burdens and to make recommendations on how these burdens can be reduced.

In undertaking the review IPART focused on matters such as planning (DA) approvals and reporting requirements, financial reporting, tendering and procurement requirements and the GIPA Act (public access to information) amongst other things.

A list of the total of 51 recommendations made by IPART is attached. The recommendations have been grouped in the following categories:

- Systematic issues;
- Water and sewerage;
- Planning;
- Administration and governance;
- Building and construction;
- Public land and infrastructure;
- Animal control; and
- Community order.

Some of the positive aspects arising from the recommendations include:

- Changing the way the State develops regulatory proposals and devolves responsibilities to councils to ensure the impacts on councils are properly considered;
- Consolidating and streamlining council reporting and sharing of council data between state agencies;
- Aligning the timing of reporting with council reporting cycles;
- Removing the “one-size-fits-all” approach and tailoring requirements to better suit the different circumstances of rural and regional councils.
- For new regulatory functions and for councils without the necessary resources, the State needs to provide greater support to assist councils.

If the IPART recommendations are adopted by Government. They have the potential to result in significant time savings and efficiencies for councils and should be supported.

Integrated Planning and Reporting Reference

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

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

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

Legislative Policy and Planning Implications

The IPART review of reporting and compliance burdens on Local Government is one of a number of reviews undertaken by IPART in recent times and forms part of a broader local government reform program that commenced some years ago and included work undertaken by the Independent Local Government Review Panel.

Budget and Financial Aspects

IPART engaged the Centre for International Economics (CIE) to undertake a cost-benefit analysis of its recommendations. IPART maintains that its recommendations will result in a net benefit of approximately \$313 million over ten years, and that this is a conservative estimate bearing in mind that not all recommendations could be costed and therefore analysed by the CIE.

Attachments

1. List of recommendations - IPART Final Report on the review of reporting and compliance burdens on Local Government.

**Recommendation:** That Council make a submission to the Office of Local Government supporting the recommendations of the IPART review of reporting and compliance burdens on Local Government.

<b>Notes:</b>

**Attachment 1. – List of Recommendations – IPART Final Report on the review of reporting and compliance burdens of Local Government**

## 2 Listing of Recommendations and Findings

Our recommendations and findings are set out below, along with the page number where each is discussed in the report.

### **Systemic issues**

#### Recommendations

- 1 That the Department of Finance, Services and Innovation (DFSI) revise the *NSW Guide to Better Regulation* to include requirements for State agencies developing regulations involving regulatory or other responsibilities for local government, as part of the regulation-making process, to:
  - consider whether a regulatory proposal involves responsibilities for local government
  - clearly identify and delineate State and local government responsibilities
  - consider the costs and benefits of regulatory options on local government
  - assess the capacity and capability of local government to administer and implement the proposed responsibilities, including consideration of adequate cost recovery mechanisms for local government
  - take a coordinated, whole-of-government approach to developing the regulatory proposal
  - collaborate with local government to inform development of the regulatory proposal
  - if establishing a jointly provided service or function, reach agreement with local government as to the objectives, design, standards and shared funding arrangements, and
  - develop an implementation and compliance plan. 38
  
- 2 That the NSW Government maintain a *Register of local government reporting, planning and compliance obligations* that should be used by NSW Government agencies in the regulation-making process to manage the volume of regulatory requirements imposed on councils and to avoid creating unnecessary or duplicative requirements. 44

- 3 That the NSW Government remove restrictions on fees for statutory approvals and inspections to allow for the recovery of efficient costs, subject to monitoring and benchmarking. 48
- 4 Where fees continue to be set by statute, that the relevant NSW Government agency reviews the level of the fees every three to five years and amends the relevant legislation to allow these fees to increase annually in line with CPI or an index of fee-related costs. 48
- 5 That the NSW Government review the basis upon which the fees for Development Applications (DAs) are calculated to:
- better reflect the efficient cost to councils and the NSW Government of processing DAs
  - minimise disputes and subsequent adjustments, and
  - facilitate online payment of DA fees. 48
- 6 That if statutory fees are capped below cost recovery to ensure affordability or for other policy reasons, then the NSW Government should reimburse councils for the shortfall in efficient costs. 48
- 7 That the Department of Premier and Cabinet amend the *Good Practice Guide to Grant Administration*, to:
- recognise local government as separate from non-government organisations
  - remove acquittal requirements for untied grants
  - explicitly address ongoing maintenance and renewal costs when funding new capital projects
  - require agencies to rely on existing council reporting to assess financial stability and management performance of councils
  - lengthen acquittal periods for ongoing grant programs to four years, and use Memorandum of Understanding (MOU) arrangements, rather than requiring councils to reapply annually, and
  - provide for a streamlined acquittal process for grants of less than \$20,000 in total, examples of streamlining include:
    - o not requiring further external financial audit
    - o using risk-based controls and requirements, and
    - o confining performance measurement to outcomes consistent with the purpose of the grant. 53

2 Listing of Recommendations and Findings

- 8 That NSW Government agencies collecting local government data and information make this data discoverable through the Data NSW open data portal or the Information Asset Register maintained by the Department of Finance, Services and Innovation. 56
- 9 That the Department of Finance, Services and Innovation:
- support NSW Government agencies to use the Open Data Rolling Release Schedule to establish clear timeframes for publishing local government data and information in Data NSW (in machine readable formats)
  - support councils to make local government data and information available for discovery through Data NSW or the Information Asset Register, and
  - support the Office of Local Government to develop a central portal for local government reporting and streamlined data collection. 56
- 10 That the Department of Planning and Environment, including through the Office of Local Government, review public notice print media requirements in the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, the *Environmental Planning and Assessment Act 1979*, and the *Environmental Planning and Assessment Regulation 2000* and, where the cost to councils of using print media exceeds the benefit to the community, remove print media requirements and allow online advertising, mail-outs and other forms of communication as alternatives. 60



## Water and Sewerage

### Recommendations

- 11 That the Department of Primary Industries Water (DPI Water) regulate Local Water Utilities (LWUs) on a catchment or regional basis, rather than on an individual LWU basis, using a whole-of-government, risk-based and outcomes-focused regulatory approach. 67
- 12 That DPI Water amend the *Best-Practice Management of Water Supply and Sewerage Guidelines* to:
- streamline the NSW Performance Monitoring System to ensure each performance measure reported is:
    - o linked to a clear regulatory objective
    - o used by either most Local Water Utilities (LWUs) or DPI Water for compliance or meaningful comparative purposes
    - o not in excess of the performance measures required under the National Water Initiative, and
    - o not duplicating information reported to other NSW Government agencies.
  - align trade waste reporting with other performance reporting, on a financial year basis, subject to consultation with LWUs, LGNSW and the Water Directorate. 73
- 13 That the Office of Local Government determine a standardised service report template to be used by technicians undertaking quarterly servicing of aerated wastewater treatment systems, in consultation with NSW Health and councils. 77
- 14 That the *Local Government (General) Regulation 2005* be amended to require service reports to be provided to councils using the template determined by the Office of Local Government as a standard condition of approval to operate an aerated wastewater treatment system. 77

2 Listing of Recommendations and Findings

## Planning

### Recommendations

- 15 That the Department of Planning and Environment (DPE): 88
- Implement a data sharing model with the Australian Bureau of Statistics in relation to building approvals in NSW.
  - Introduce a consolidated data request of councils for the purposes of the *Local Development Performance Monitoring (LDPM)*, *Housing Monitor*, *State Environmental Planning Policy (Affordable Rental Housing) 2009* (Affordable Rental Housing) and *State Environmental Planning Policy No 1 – Development Standards (SEPP 1 variations)*.
  - Fund an upgrade of councils' software systems to automate the collection of data from councils for the purposes of the LDPM, Housing Monitor, Affordable Rental Housing and SEPP 1 variations.
  - Publish the data collected from councils on Affordable Rental Housing and SEPP 1 variations data.
  - Seek agreement with the Land & Environment Court to obtain appeal data directly from the Court.
  - Remove the administrative requirement for councils to report to DPE on political donations or gifts under section 147 of the *Environmental Planning & Assessment Act 1979*. 88
- 16 That the *Environmental Planning and Assessment Act 1979* be amended to enable information or certificates under section 149(2) of the *Environmental Planning and Assessment Act 1979* to be provided through the NSW Planning Portal.
- Prior to this amendment, as part of the Department of Planning and Environment's (DPE) review of the *Environmental Planning and Assessment Regulation 2000*, DPE should:
- review section 149(2) and (5) planning certificates to clarify and simplify the information to be provided, and ensure only information relevant in the conveyancing process is provided in a section 149(2) planning certificate, and
  - consider what section 149(2) information should be provided through the Planning Portal and whether that information should be provided in certificate form, having regard to:
    - o data quality assurance
    - o liability for accuracy of State or council information
    - o State and council costs, and
    - o mechanisms to recover costs. 100

2 Listing of Recommendations and Findings |

- 17 That the *Environmental Planning and Assessment Regulation 2000* be amended to specify the information that can be provided by councils in accordance with section 149(2) and (5) of the *Environmental Planning & Assessment Act 1979*. 100
- 18 That DPE amend the NSW Planning Portal to provide for online:
- payment of fees and charges by applicants and for the Planning Reform Fund fee to then be automatically directed to DPE
  - information or certificates under section 149(2) of the *Environmental Planning & Assessment Act 1979*, and
  - joint applications for development approvals and construction certificates. 100
- 19 That DPE:
- notify councils electronically at least 21 days prior to the commencement of legislative changes that will affect the structure or content of section 149 planning certificates, and
  - maintain an up-to-date, publicly available list of all legislative instruments with the potential to affect the structure or content of the certificates. 100
- 20 That DPE manage referrals to NSW Government agencies through a 'one-stop shop' in relation to:
- planning proposals (LEPs)
  - development applications (DAs), and
  - integrated development assessments (IDAs). 112
- 21 That DPE develop suites of standardised development consent conditions and streamline conditions that require consultant reports or subsequent approvals, in consultation with councils, NSW Government agencies and other key stakeholders. 119

2 Listing of Recommendations and Findings

**Administration and governance**

Recommendations

- 22 That the NSW Government streamline the reporting requirements for the Integrated Planning and Reporting (IP&R) framework in the revised Local Government Act. 125
- 23 Ahead of the 2020 IP&R cycle, that the Office of Local Government:
- provide councils with a common set of performance indicators to measure performance within the IP&R framework
  - conduct state-wide community satisfaction surveys and release the results to allow comparisons between councils and benchmarking
  - provide guidance to councils on the form and content of the End of Term Report and its relationship to local councils' Annual Reports
  - clarify for councils the purpose, form and content of the State of the Environment report and clarify its relationship to the End of Term Report
  - work with the Office of Environment and Heritage, the NSW Environment Protection Authority and other relevant agencies to develop performance indicators for councils to use, and
  - where relevant, amend the IP&R Guidelines and Manual to incorporate this material. 125
- 24 That the Office of Local Government remove requirements for councils to report more in the General Purpose Financial Statements than is required by the Australian accounting standards, issued by the Australian Accounting Standards Board, except for requirements which are unique and high value to local government such as Note 21 and Special Schedule 7. 132
- 25 That clause 163(2) of the *Local Government (General) Regulation 2005* be amended to allow the Office of Local Government to determine the councils for which the threshold for formal tendering would be increased to \$250,000, with this threshold to be reviewed every five years. 135
- 26 That section 377(1)(i) of the *Local Government Act 1993* be amended to allow the Council to delegate the acceptance of tenders to General Managers. 135
- 27 That section 55(3)(g) of the *Local Government Act 1993* be amended to allow local government access to the full range of prequalification panels run by NSW Procurement. 136

- 28 That the Department of Planning and Environment, through the Office of Local Government, review the requirements in the *Local Government Act 1993* for Ministerial approvals and remove those that are not justified on the basis of corruption prevention, probity or protecting the interests of the State. 140
- 29 That the Office of Local Government introduce guidelines that specify maximum response times for different categories of Ministerial approvals. 140
- 30 That the Department of Planning and Environment, through the Office of Local Government, review all approvals required under section 68 of the *Local Government Act 1993* in order to:
- determine the activities for which a separate local council approval under section 68 is necessary
  - revise the regulatory frameworks within NSW legislation to remove duplication
  - place as many approval requirements as possible in specialist legislation, and
  - where appropriate, enable mutual recognition of approvals issued by another council. 143
- 31 That the *Local Government Act 1993* be amended to transfer current requirements relating to the length of time for temporary appointments under section 351(2) to the *Local Government (General) Regulation 2005* or the relevant awards. 148
- 32 Extend the maximum periods of temporary employment from 12 months to four years within any continuous period of five years, similar to Rule 10 of the *Government Sector Employment Rules 2014*. 148
- 33 That section 31 of the *Public Interest Disclosures Act 1994* be amended to require councils to report on public interest disclosures in their annual reports and remove the requirement for an annual public interest disclosures report to be provided to the Minister for Local Government. 150
- 34 That clauses 15 and 16, schedule 3 of the Environmental Planning and Assessment Amendment Act 2014 (which adds new sub-sections 158(1A) and (4A) to the EP&A Act) be proclaimed in order to allow councils a licence or a warranty to use copyright material for the purposes of the EP&A Act (including making available development applications and related documents which may be subject to copyright). 153

2 Listing of Recommendations and Findings

35 That the NSW Government:

- Repeal clause 3, schedule 1 of the *Government Information (Public Access) Regulation 2009*.
- Amend the *Environmental Planning and Assessment Act 1979* (EP&A Act) to require councils to make available information and documents currently prescribed as open access information in clause 3, schedule 1 of the *Government Information (Public Access) Regulation 2009* (DA information) to a person (on request).
- Amend the EP&A Act to allow councils to charge a person making a request the efficient costs of making DA information available (after the 'submission period' under section 79(1) of the EP&A Act has expired).
- Consistent with recommendation 4, review the efficient costs to councils of making DA information available to a person (on request).
- Amend the *Environmental Planning and Assessment Regulation 2000* to set the fees for accessing DA information (after the submission period has closed) at the efficient cost to councils. 153

- 36 That the Office of Local Government assist the Information and Privacy Commission to circulate to councils information related to the *Government Information (Public Access) Act 2009*. 153

Finding

- 1 That the principles and processes outlined in ICAC's *Guidelines for managing risk in direct negotiations* are best practice standards which can be applied where a lack of competition exists in a Local Government Area. 136

## Building and construction

### Recommendations

- 37 That the Building Professionals Board or the proposed Office of Building Regulation (in consultation with Department of Planning and Environment, Fire & Rescue NSW and local government) design the new online system for submitting annual fire safety statements (AFSS) to allow councils to identify buildings in their area that require an AFSS, and where follow up or enforcement action is required. 168
- 38 That the *Environmental Planning and Assessment Regulation 2000* be amended to clarify what constitutes a 'significant fire safety issue'. 172
- 39 That section 121ZD of the *Environmental Planning and Assessment Act 1979* be amended to allow councils to delegate authority to the General Manager to consider a report by the Fire Brigade, make a determination and issue an order, rather than having the report considered at the next council meeting. 172

### Findings

- 2 The draft recommendations of the *Independent Review of the Building Professionals Act 2005* (Lambert Building Review), if supported by the NSW Government, would:
- Substantially improve the funding and ability of councils to effectively undertake their compliance functions in relation to unauthorised building work and refer certifier complaints to the Building Professionals Board.
  - Introduce more effective disincentives (for example, penalties) for unauthorised building work.
  - Institute a system of electronic lodgement of certificates and documentation from private certifiers to councils in a standardised form. This should reduce current record management burdens on councils, which would allow the information to be used to inform building regulation policy development and better targeting of council and state resources in building regulation.
  - Reduce the frequency of accreditation renewals from annually to every three to five years.
  - Create a new category of regional certifier to reduce the accreditation burden on councils and increase the number of certifiers in the regions. 164
- 3 That under the *Local Government Act 1993* councils can set their fees for certification services to allow for full cost recovery. These fees can include travel costs. 166

2 Listing of Recommendations and Findings

- 4 That the online Building Manual, proposed in the e-building initiative draft recommendation of the Lambert Building Review, would remove the current burden on councils of collecting and maintaining records of annual fire safety statements. 168

**Public land and infrastructure**

Recommendations

- 40 That the NSW Government transfer Crown reserves with local interests to councils:
- as recommended by the NSW Crown Lands Management Review and piloted through the Local Land Program Pilot, and
  - where the transfer is agreed by the council, including where this agreement is conditional on change of land classification. 176
- 41 Consistent with its response to the Crown Lands Legislation White Paper, that the NSW Government ensure that Crown reserves managed by councils are subject to *Local Government Act 1993* requirements in relation to:
- Ministerial approval of licences and leases, and
  - reporting. 176
- 42 That the NSW Government streamline the statutory process for closing Crown roads, including the arrangements for advertising road closure applications. 181
- 43 That the NSW Government reduce the backlog of Crown road closure applications to eliminate the current waiting period for applications to be processed. 181
- 44 That the NSW Government streamline the provisions of the *Local Government Act 1993* relating to plans of management for community land to enable councils to align public notice and consultation with councils' community engagement for Integrated Planning and Reporting purposes. 185
- 45 That Roads and Maritime Services provide greater support for councils to develop the competency to conduct route access assessments and process heavy vehicle applications. This support should be focused on developing the competency and skills within councils to perform these regulatory functions. 188
- 46 That the *Impounding Act 1993* be amended to treat caravans and trailers (including advertising trailers) in the same way as boat trailers when considering whether they are unattended for the purposes of the Act. 191



## Animal control

### Recommendations

- 47 That the Office of Local Government's redesign and modernisation of the central *Register of Companion Animals* includes the following functionality:
- online registration, accessible via mobile devices anywhere
  - a one-step registration process, undertaken at the time of microchipping and identifying an animal
  - the ability for owners to update change of ownership, change of address and other personal details online
  - unique identification information in relation to the pet owner (ie, owner's date of birth, driver licence number or Medicare number)
  - the ability to search by owner details
  - the ability for data to be analysed by Local Government Area (not just by regions)
  - the ability for data to be directly uploaded from pound systems, and
  - centralised collection of registration fees so funding can be directly allocated to councils. 195
- 48 That the *Companion Animals Act 1998* and *Companion Animals Regulation 2008* be amended to require unique identification information in relation to the pet owner (ie, owner's date of birth, drivers licence number or Medicare number), to be entered in the register at the time of entering animal identification information and when there is a change of ownership. 195

**14. REVIEW OF FRAUD CONTROL FRAMEWORK**

**(GM/C70-025)**

Executive Summary

A revised Fraud Control Policy, Fraud Control Action Plan and Code of Conduct Policy is tabled for Council's consideration.

Report

A revised Fraud Control Policy, Fraud Control Action Plan and Code of Conduct Policy is tabled for Council's consideration following recent discussions with Council's external auditors, Crowe Horwath on contract to the Audit Office of NSW (AONSW) and the issue of the annual Audit Management Letter by the AONSW.

It is a standard practice for auditors to raise matters that the auditor believes should be addressed or to highlight improvements that can be made in relation to internal processes and procedures and risk mitigation. Often these matters are not considered significant enough to include in the final Audit Report but are nevertheless considered important enough to draw to management's attention in the form of a Management Letter.

In the course of the 2018/19 audit it was noted by the auditors that:

- Council does not conduct organisation wide fraud awareness training for all staff at regular intervals;
- new starters do not formally sign-off on the Code of Conduct;
- existing staff do not sign-off on the Code of Conduct annually;
- Council does not report on fraud control activities in their annual report.

The AONSW has recommended that Council review its current fraud control framework for each of the items raised above and updates should be made where appropriate.

Accordingly, the Fraud Control Policy, Fraud Control Action Plan and Code of Conduct Policy have been reviewed to address the issues referred to above and copies of the revised documents are attached.

It is noted that training on the new Code of Conduct was provided to all staff, over three sessions held on 15/16 May and 23 July 2019. The training was also offered to all Councillors.

It is proposed to include information on the Council's fraud control activities in the next Annual Report to be completed by the legislative deadline of 30 November 2019 for the 2018/19 financial year.

The practice of requiring new and existing staff to "sign-off" on the Code of Conduct will be introduced subject to the adoption of the revised Policies by Council.

Integrated Planning and Reporting Reference

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

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

Legislative Policy and Planning Implications

The Code of Conduct, Fraud Control Policy and Fraud Control Action Plan are essential elements of a robust governance framework.

Budget and Financial Aspects

Fraud control training is incorporated into the annual training budget i.e. \$9500 for councillors and \$60,000 for staff in 2019/20.

Attachments

1. Policy 1.4 Code of Conduct Policy.
2. Policy 1.7 Fraud Control Policy.
3. Fraud Control Action Plan.

**Recommendation:** That Policy 1.7 Fraud Control Policy and the Fraud Control Action Plan, as presented, be adopted.

<b>Notes:</b>

**Attachment 1. – Policy 1.4 Code of Conduct Policy**

## 1.4 Code of Conduct

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POLICY TITLE: CODE OF CONDUCT  
FILE REF: 105-005  
REVIEW DATE: SEPTEMBER 2022

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### OBJECTIVE

To define in accordance with the Local Government Act 1993, a code of conduct to be observed by Councillors, members of staff and delegates of the Council.

### POLICY STATEMENT

To assist Councillors, members of staff and delegates:

- to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence;
- to provide a practical means of identifying and resolving situations which involve conflict of interest of improper use of their positions; and
- to act in a way which enhances public confidence in the system of local government.

The Council formally adopts the Model Code of Conduct and the Procedures for the Administration of the Model Code of Conduct prescribed by the Local Government (General) Regulation on 14 December 2018.

In accordance with Policy 1.7 Fraud Control Policy and the Fraud Control Action Plan: -

- The General Manager is responsible for arranging organisation wide training on the Code of Conduct on a regular basis;
- New employees are required to 'sign-off' on the Code of Conduct upon commencement and following the induction process; and
- Existing employees are required to "sign-off" on the Code of Conduct on an annual basis.

*Confirmed by Council 16 September 2019  
Refer minute xx/19*

*Confirmed by Council 4 February 2019  
Refer minute 22/19*

*Confirmed by Council 20 March 2017  
Refer minute 55/17*

*Confirmed by Council 17 August 2009  
Refer minute 283/09*

*Council formally adopted the June 2008 Model Code of Conduct issued by the Department of Local government at its meeting on 21 July 2008  
Refer Minute 210/08*

**Attachment 2. – Policy 1.7 Fraud Control Policy**

## 1.7 Fraud Control Policy

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POLICY TITLE: FRAUD CONTROL POLICY

FILE REF: D14-010

REVIEW DATE: OCTOBER 2022

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### 1. PRINCIPLES

This policy is applicable to Councillors, staff and delegates. It is designed to protect public funds and assets, protect the integrity, security and reputation of the Council and its staff, and maintain a high level of services to the community.

There are four (4) elements to Council's Policy namely:

- i. Prevention;
- ii. Detection;
- iii. Reporting; and
- iv. Investigation.

Fraud control is the protection of Council's assets from fraudulent exploitation. The desired outcome of this fraud control policy is elimination of cases of fraud involving staff and elimination, by all possible efforts, of fraud against Council generally.

### 2. DEFINITIONS

For the purpose of this Policy, the Australian Standard 8001-2008 on fraud and corruption control's definition of fraud has been adopted. Specifically fraud is defined as: -

*"Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity."*

Some examples of fraud include:

- Unauthorised use of Council plant and equipment or other Council resources;
- Private use of Council's inventory and stores;
- Claiming unworked overtime on time sheets;
- Providing confidential Council information to unauthorised persons or bodies;
- Allowing contractors to not fully meet contract requirements
- Improper use of information for personal benefit;
- Deliberate falsification, concealment or use of falsified documentation.

"Corrupt conduct" is defined by Section 8 of the Independent Commission Against Corruption (ICAC) Act 1988 as: -

- a) *"Any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or;*
- b) *any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or;*
- c) *Any conduct of a public official or former public official that constitutes or involves a breach of public trust, or;*
- d) *Any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person."*

#### 4. RESPONSIBILITY

All Councillors and Management personnel are responsible for fostering an environment, within their areas of control, which makes active fraud control a responsibility of all staff and for issuing clear standards and procedures to encourage the minimisation and deterrence of fraud. More specifically the division of responsibility is as follows: -

- a) Council – responsible for ensuring appropriate policies are in place and reviewed regularly including: -
  - Fraud Control Policy;
  - Code of Conduct;
  - Statement of Business Ethics;
  - Public Interest Disclosure and Reporting Policy;
  - Reporting on fraud control activities in the Annual Report
- b) General Manager – responsible for: -
  - Ensuring a Fraud Risk Assessment is undertaken;
  - Developing a Fraud Control Action Plan;
  - Arrange fraud awareness training for all staff at regular intervals;
  - Authorising internal investigations of suspected fraud;
  - Keeping the Mayor informed of any internal fraud investigations.
- c) Directors – responsible for: -
  - Advising the General Manager of any reports of suspected fraud or corruption;
  - Promoting an ethical climate and maintaining awareness amongst staff of their obligation to always act honestly, in accordance with Council’s Codes and Policies and in compliance with the law.
- d) All staff – responsible for: -
  - Acting ethically, in accordance with Council’s Codes and Policies and in compliance with the law;
  - Reporting any suspicions of fraud or corrupt conduct to their Director.
  - Participating in fraud awareness training arranged by Council.
  - “Signing-off” on the Code of conduct on an annual basis.

#### 5. PREVENTION

Council is committed to preventing fraud at its origin. Fraud flourishes in an environment where there are insufficient controls to prevent waste, abuse and mismanagement. Council believes that an emphasis on fraud prevention, rather than fraud investigation, will lead to a reduction of these opportunities for waste, abuse and mismanagement.

In this regard a Fraud Risk Assessment will be undertaken with mitigation measures identified and implemented to minimise the risk of fraud and increase the likelihood of detection.

Council recognises that fraud prevention requires the maintenance of an ethical climate, which encourages all staff to be active in protecting Council’s funds and assets, and in reporting any breaches of accepted standards. Directors and managers must be mindful of their responsibility to foster and develop in their areas the highest standards of ethical behaviour and commitment to a highly ethical workforce culture.

Awareness and education is also important for the prevention of fraud. In this regard Council’s Information for New Employees Handbook and induction procedures will contain information regarding Council’s Values, Business Ethics, Code of Conduct, Fraud Control Policy and Public Interest Disclosures and Reporting Policy.

#### 6. DETECTION

Detection relies on having appropriate internal controls and reporting mechanisms in place including the following: -

- A Fraud Risk Assessment identifying mitigation measures to minimise the risk of fraud and increase the likelihood of detection.
- An independent check by Council’s Internal Auditor that the mitigation measures identified in the Fraud Risk Assessment are in place and working effectively.
- A strategic and tactical Internal Audit Plan with Internal Audit reviews focusing on selected areas of activity.
- A system for reporting suspected fraud or corrupt conduct and making protected disclosures.

## 7. REPORTING

### Internal Reporting

Any suspected instances of fraud or corruption from either internal or external sources should be reported by staff to their Director.

Any suspicions of fraud or corrupt conduct involving a Director should be reported to the General Manager.

Any suspicions of fraud or corrupt conduct involving the General Manager should be reported to the Mayor.

The information provided in each case should include wherever possible:

- Details of and relating to the suspected offence; and
- Details of the suspected offender(s) where known.

For a report of any wrong doing to be a protected disclosure in accordance with the Public Interest Disclosures Act, the report has to be made to a person or position prescribed in Policy 1.18 - Public Interest Disclosures and Reporting System.

Management recognises that the reporting of fraud is a sensitive issue (especially against work colleagues). To affirm the integrity of this function, therefore, management will ensure the confidentiality of information passed to any member of the Management Executive. It will achieve this by maintaining the confidentiality of both the complainant and suspect, and by avoiding rumours, morale problems and the possibility of wilful destruction of evidence.

### External Reporting

In determining whether a particular matter, fraudulent or otherwise, is of sufficient seriousness that it should be referred to an external agency for investigation, a preliminary assessment / investigation of the alleged case of fraud will be undertaken to ensure that sufficient facts have been disclosed from which there is a reasonable cause to believe an offence has been committed, or attempted to be committed, and the matter is of a fraudulent nature within the terms of the definition of fraud given in Section 2;

In the event that there is a reasonable suspicion that, in a particular matter, an offence has occurred, and that the matter may have implications for another organisation, then a report on that matter, excluding personal information unless prima facie evidence exists, will be provided to the relevant organisation at the earliest opportunity.

External agencies to which wrong doing can be reported include; -

- NSW Independent Commission Against Corruption - for corrupt conduct;
- NSW Ombudsman – for maladministration;
- NSW Office of Local Government – for serious and substantial waste in local government;
- NSW Information Commissioner for disclosures about a government information contravention;
- NSW Police – for criminal matters.

### Annual Reporting

The Council will report on its fraud control activities in its Annual Report prepared pursuant to Section 428 (1) of the Local Government Act, 1993.

## 8. INVESTIGATION

The General Manager is responsible for authorising internal investigations and informing external persons or bodies are appropriately notified.

Where the initial investigation discloses a serious or complex situation beyond the Council's resources and investigative capabilities, the General Manager may, in consultation with the Mayor, engage external assistance to undertake the investigation.

In the case of any instance of alleged fraud, any such accusations shall be brought to the attention of the person against which such allegations are made at the earliest opportunity and any such person shall, in a case of an investigation in to any such alleged conduct, be entitled to obtain independent Union and/or legal advice regarding such matters.

Council recognises that in such circumstances where the allegation of fraud carries the imputation of criminal conduct, then such employees' right to silence shall be recognised.

9. RELATED DOCUMENTS

Policy 1.4 - Code of Conduct

Policy 1.6 - Statement of Business Ethics

Policy 1.18 - Public Interest Disclosures and Reporting System

*Adopted by Council on 16 September 2019  
Refer minute No. xxx/2019*

*Adopted by Council on 19 June 2017  
Refer minute No. 147/2017*

*Confirmed by Council 17 August 2009  
Refer minute 283/09*

*Adopted by Council – 21 August 2006  
Refer Minute No. 268/06*



**Attachment 3. – Fraud Control Action Plan**

**Fraud Control Action Plan**

The Fraud Control Action Plan identifies key actions to be undertaken to minimise the risk of fraud and increase the likelihood of any fraudulent activity being detected.

The Fraud Control Action Plan should be read in conjunction with Policy 1.7 Fraud Control Policy.

FUNCTION	STRATEGY	ACTIONS	BY WHOM	Status
Awareness	Maintain an ongoing fraud awareness program	<ul style="list-style-type: none"> <li>– Include information regarding Council’s fraud-related policies, including the Fraud Control Policy, Code of Conduct, Public Interest Disclosures and Reporting System and Statement of Business Ethics in the Handbook for New Employees.</li>   <li>– Disseminate the Fraud Control Policy and Fraud Control Action Plan to staff electronically, by placement in a common easily accessible directory, and in hard copy by placing copies in staff rooms and notice boards.</li>   <li>– Ensure that all updates and changes to fraud related policies including the Fraud Control Policy, Code of Conduct, Public Interest Disclosures and Reporting System and Statement of Business Ethics are made available to all staff.</li> </ul>	<p>HR/WHS Co-ordinator</p> <p>General Manager</p> <p>General Manager</p>	<p>Completed. The Handbook for New Employees was last reviewed in 2019 with updated references to the most recent Code of Conduct adopted by Council.</p> <p>Completed. The Fraud Control Policy, and Fraud Control Action Plan are made available on the shared “O” Drive at “O:\2019-20Master Docs.”</p> <p>Completed. The Fraud Control Policy, Code of Conduct, Public Interest Disclosures and Reporting System and Statement of Business Ethics are incorporated into Council’s policy register which is available on Council’s website and on the shared “O” Drive at “O:\2019-20Master Docs\Policy”.</p>

FUNCTION	STRATEGY	ACTIONS	BY WHOM	Status
		<ul style="list-style-type: none"> <li>– Provide periodic training in fraud awareness and prevention to employees.</li>   <li>– Require new employees to “sign-off” on the Code of Conduct on commencement and existing employees to “sign-off” on the Code of Conduct annually.</li>   <li>– Report on fraud control activities in the Annual Report</li> </ul>	<p>General Manager</p> <p>General Manager</p> <p>Council</p>	<p>Training in the new Code of conduct was provided to all staff, and made available to all councillors, over three sessions held on 15/16 May and 23 July 2019.</p> <p>Not commenced. To be introduced following the most recent review of the Fraud Control Policy and Fraud Control Action Plan in September 2019.</p> <p>Not commenced. To be included in the 2018/19 Annual Report scheduled to be completed by 30 November 2019.</p>
Prevention	<p>Policy formulation and review.</p> <p>Implement a fraud risk assessment program:</p>	<ul style="list-style-type: none"> <li>– Ensure appropriate fraud-related policies are in place and reviewed regularly.</li>   <li>– Ensure fraud related risk assessments are undertaken and incorporated into the Council’s risk management framework.</li> </ul>	<p>Council</p> <p>General Manager</p>	<p>Completed. Policy 1.4 Code of Conduct, Policy 1.7 Fraud Control, Policy 1.18 Public Interest Disclosures and Reporting, Policy 1.22 Legislative Compliance and Policy 3.18 Credit Card and Fuel Card Use are in place and incorporated into a Policy Review timetable.</p> <p>Commenced and ongoing. Risk assessments 1.1 to 1.10 in Council’s Risk Register deal with fraud related risks.</p>

FUNCTION	STRATEGY	ACTIONS	BY WHOM	Status
		<ul style="list-style-type: none"> <li>– Provide independent assurance that the mitigation measures contained in the risk assessments are in place and working effectively.</li> </ul>	Internal Auditor	Not commenced. Subject to fully established ARIC with appropriate Charter and sufficient budget to allow for independent review of risk assessments.
Detection	Internal Audit	<ul style="list-style-type: none"> <li>– Establish a strategic and tactical Internal Audit Plan</li> <li>– Undertake Internal Audit reviews focusing on selected areas of activity.</li> </ul>	Audit Committee	Commenced and ongoing. Internal Audit Plan agreed in conjunction with Internal Audit Alliance member Councils.
	Facilitate internal reporting and disclosure of fraud	<ul style="list-style-type: none"> <li>– Maintain a system for reporting suspected fraud or corrupt conduct and for making protected disclosures.</li> </ul>	Internal Auditor	Commenced and ongoing. Internal Audit reviews undertaken by contracted Internal Auditor in accordance with the Internal Audit plan.
			General Manager	Completed. Refer Policy 1.18 Public Interest Disclosures and Reporting System adopted by Council.
Investigation	Conducting Investigations	<ul style="list-style-type: none"> <li>– Authorise internal investigations and notification to external agencies where appropriate.</li> </ul>	General Manager	To be actioned when circumstances dictate.
		<ul style="list-style-type: none"> <li>– Engage external assistance to undertake the investigation where the initial investigation discloses a serious or complex situation beyond the Council's resources and investigative capabilities.</li> </ul>	General Manager in consultation with the Mayor	To be actioned when circumstances dictate.

FUNCTION	STRATEGY	ACTIONS	BY WHOM	Status
Prosecution	Initiating disciplinary and/or legal action	<ul style="list-style-type: none"> <li>– Criminal offences will be referred for prosecution to the NSW Police.</li> <li>– Where mandated referral will be made to the appropriate external agency for further action e.g. ICAC in relation to corrupt conduct.</li> <li>– Other matters will be dealt with under the Council's disciplinary procedures.</li> </ul>	<p>General Manager</p> <p>General Manager</p> <p>Council, General Manager and Directors as appropriate</p>	<p>To be actioned when circumstances dictate.</p> <p>To be actioned when circumstances dictate.</p> <p>To be actioned when circumstances dictate.</p>
	Initiate recovery action	<ul style="list-style-type: none"> <li>– Actively pursue the recovery of any money / property lost through fraud.</li> </ul>	<p>General Manager in consultation with the Council</p>	<p>To be actioned when circumstances dictate.</p>
Review	Review Systems and Procedures (Post Fraud)	<ul style="list-style-type: none"> <li>– For each detected occurrence of fraud a review will be undertaken to assess the adequacy of the internal control structure.</li> </ul>	<p>Audit Committee and General Manager</p>	<p>Following each detected occurrence of fraud as circumstances dictate.</p>

15. 2019 ANNUAL UNION PICNIC DAY

(GM/S30-065)

Executive Summary

The Local Government (State) Award 2017 provides for an Annual Union Picnic Day.

Report

The Local Government (State) Award provides that:

*“Union Picnic day shall for the purposes of this Award be regarded as a holiday for employees who are financial members of the Union.*

*Employees who are not financial members of the Union and who are required to work on the day shall be paid ordinary pay for their normal working day.”*

Following a meeting and a vote being taken amongst Union members, the requested date for the Council Employee Picnic Day this year is Monday 30 September 2019.

Employees who are not financial members of the Union will be required to work on the day or alternatively take annual leave.

There is a sufficient number of employees who are not Union members to enable Council’s office to remain open on this day.

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

The Annual Union Picnic is an Award entitlement for those employees who are members of the Union.

Budget & Financial Aspects

Nil.

Attachment

Nil.

**Recommendation:** That the Annual Union Picnic be held on 30 September 2019.

<b>Notes:</b>

## Questions and Statements

Nil.

## Closed Session Agenda

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

**16. GENERAL MANAGER'S 2018-19 PERFORMANCE REVIEW (GM/V11)**

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:

- (a) Personnel matters concerning particular individuals (other than councillors).