



# **BUSINESS PAPER**

**of the  
Ordinary Meeting  
Held  
17 August 2020**

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

## The Prayer

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

## The Council's Guiding Principles

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

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

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

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

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

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



# Lockhart Shire Council

File Ref: PV: SJ: SC46 – 20/56

12 August 2020

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

Dear Councillors

I wish to advise that the Ordinary Monthly Meeting of Lockhart Shire Council will be held at the Council Chambers, Green Street, Lockhart on **Monday, 17 August 2020** commencing at **5.00pm**.

The Order of Business will be as shown overleaf.

Yours faithfully

Peter Veneris  
**GENERAL MANAGER**

## Order of Business

### Opening with a Prayer

### Apologies

Cr D Douglas

### Leave of Absence

### Confirmation of Minutes of the Ordinary Meeting – 20 July 2020

### Declarations of Pecuniary & Non-Pecuniary Interest

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### Committee Reports

Nil

### Delegates Reports

Nil

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### Staff Reports

#### A. A Connected and Resilient Community

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2. Drought Communities Programme Extension ..... Page 18

#### B. A Dynamic and Prosperous Economy

Nil.

#### C. An Environment that is Respected and Protected

Nil.

#### D. Infrastructure for the Long Term Needs of the Community

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This is page 1 of the Business Paper of the Ordinary Monthly Meeting of the Lockhart Shire Council held in the Council Chambers, Green Street, Lockhart – 17 August 2020.

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**Consideration of Business in Closed Session**

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**Resumption of Open Council**

## MAYORAL MINUTE

### Project EnergyConnect

Councillors will be aware from reports tabled by the General Manager at the May and June 2020 Council meetings of Project EnergyConnect. The Project involves the construction of a new 330 kilovolt above ground transmission line between Robertstown in South Australia and Wagga Wagga in NSW. The proposed new transmission line will pass through numerous local government areas including Lockhart Shire.

Project EnergyConnect is a joint project between South Australia's electricity transmission network provider, ElectraNet and NSW's provider TransGrid, to deliver a 900 kilometre energy interconnector between the power grids of South Australia and New South Wales, with an added connection to Victoria. The purpose of the interconnector is to enable the sharing of energy between NSW and SA, with the objective of lowering wholesale energy costs and supporting growth in renewable energy generation.

As previously reported to Council TransGrid planned to contact potentially affected landowners directly before embarking on broader community consultation regarding the proposed route. Transgrid commenced broader community consultation in Lockhart with a community drop-in-session held outside the IGA Supermarket on Saturday morning, 25 July 2020.

A map showing the study corridor can be viewed at <https://transgrid.com.au/energyconnect>. For the most part the corridor follows the route of the existing major transmission line through the Shire with the exception of a short "greenfield" section at the western end of the Shire.

Some community members have taken the opportunity to make a submission and expressed their concerns to TransGrid. The concerns are largely based on the close proximity of the proposed route to the town of Lockhart.

The existing transmission line crosses the Albury-Lockhart Road approximately 700 metres south of the end of the 50km speed limit zone and approximately 900 metres south of the RU5 Village Zone boundary as identified in Lockhart Local Environmental Plan 2012. The line skirts the southern edge of the R5 Large Lot Residential Zone boundary.

I understand that Lockhart is the only town along the 900km route situated so close to the area of interest under consideration for the new interconnector.

In order to minimise the impacts on Town residents with respect to interference with television reception, emergency services communications and the like, as well as the impact on the Town's future growth prospects, I have made representations to the Member for Riverina and Deputy Prime Minister, the Hon Michael McCormack MP, that the new transmission line should be located south of the existing line and further away from the town.

**Recommendation:** That Council endorse the representations made by the Mayor to the Member for Riverina and Deputy Prime Minister, the Hon Michael McCormack MP, regarding the construction of a new 330 kilovolt above ground transmission line between Robertstown in South Australia and Wagga Wagga in NSW.



**Cr Rodger Schirmer**  
Mayor

## **MAYORAL REPORT**

To be presented at the meeting.

## **URGENT MATTERS**

Nil.

## **NOTICE OF MOTION**

Nil.

## **COMMITTEE REPORTS**

Nil.

## **DELEGATES' REPORTS**

Nil.

## STATUS REPORT/PRÉCIS OF CORRESPONDENCE ISSUED

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

Minute No:	Officer to Action	Council Resolution	Action Taken
<b>Ordinary Council Meeting held 20 July 2020</b>			
134/20	DEES	<b>Light Posts – Green Street, Lockhart</b> Arrange for the damaged light posts be replaced, as far as possible, with like-for-like.	Provided further information and measurements to Foundry.
133/20	DEES	<b>Naming of Bridges – Brookong Creek and Urana Lockhart Road</b> 1. Propose the bridge on Urana Lockhart Road be named Brookong Creek Bridge. 2. Propose the culvert over Brookong Creek in Green Street, Lockhart, be named Greens Gunyah Bridge, Brookong Creek. 3. Write to Transport for NSW advising of the proposed names for the bridge on Urana Lockhart Road and the new culvert over Brookong Creek, Lockhart.	Written to TfNSW.
132/20	DEES	<b>Fixing Local Roads Funding Program</b> a) Notes the \$1,498,500 received under the Fixing Local Roads program to upgrade Wattles Road and Tinamba Lane; b) Submits a grant application under the next round of Fixing Local Roads program for the sealing of Prichard Place, Lockhart; and c) Place notices in the August 2020 Council Newsletter for letters of support for the project.	Fixing Local Roads program to open for submissions later in 2020.
130/20	DCCS	<b>NSW Rural Doctors Network Scholarship Program</b> Provide funding totalling \$3,000 to participate in the NSW Rural Doctors Network Bush Bursary/Country Women’s Association (NSW) Scholarship Program annually for two students.	Council resolved at the July 2020 meeting to participate in the NSW Rural Doctors Network Bush Bursary/Country Women’s Association (NSW) Scholarship Program annually for two students. Complete.
128/20	GM	<b>Local Road &amp; Community Infrastructure Program</b> Submit the list of projects as agreed at the Councillor Workshop held on 20 July 2020 for funding under the LRCI Program.	The Funding Agreement has been executed and the necessary Work Schedule and Project Nomination Forms are being progressively prepared for the nominated projects.



*Lockhart Shire Council  
Ordinary Meeting – 17 August 2020*

<b>Minute No:</b>	<b>Officer to Action</b>	<b>Council Resolution</b>	<b>Action Taken</b>
123/20	GM/DCCS	<p><b>Land/Premises for Community Development, Lockhart and The Rock</b></p> <p>(i) Council endeavours to secure the purchase of the former GrainCorp premises in Green Street Lockhart for Community Development at a fair market price this financial year.</p> <p>(ii) That Council identifies and secures premises or land in The Rock for the purposes of Community Development by the end of the 2021/22 financial year.”</p>	Negotiations have recommenced with GrainCorp regarding the property at 109 Green Street Lockhart and additional information has been provided to GrainCorp in anticipation of further discussions.
<b>Ordinary Council Meeting held 15 June 2020</b>			
119/20	GM	<p><b>Aged Care Accommodation in Lockhart</b></p> <p>In-principle support given for options 2, 3 and 4 as outlined in the report, and General Manager authorised to enter into negotiations with relevant parties in pursuing these options.</p>	Subject to further report included in the August Council meeting Business Paper.  Complete.
110/20	GM	<p><b>Grant Application Preparedness</b></p> <p>1. Endorse the inclusion of an amount of \$40,000 in the 2020/21 Draft Budget for “project planning/grant application preparedness”, and</p> <p>2. Determine a shortlist of projects to be developed to “shovel ready” status pending the availability of funding.</p>	<p>1. An amount of \$40,000 has been included in the 2020/21 Draft Budget.  Complete.</p> <p>2. Shortlist of projects to be determined.</p>
108/20	MES	<p><b>Review of Development Contributions Plan 2015 for Lockhart Shire Council</b></p> <p>Place the draft Section 7.12 Development Contributions Plan on public exhibition for 28 days and bring a further report to Council.</p>	Public Exhibition period has closed and a further report is included in the August Council Meeting Business Paper.  Complete.
103/20	GM	<p><b>Sale of 55 Scott Street, The Rock</b></p> <p>Execute Transfer document under Council's Seal.</p>	The contract of sale has been settled.  Complete.
102/20	GM	<p><b>Shire &amp; Town Entrance Signs</b></p> <p>Arrange order and installation of approved signage.</p>	Quotations were invited with a closing date of 21 July 2020. Two quotations have been received and another two are awaited.

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Minute No:	Officer to Action	Council Resolution	Action Taken
101/20	DCCS	<p><b>Lockhart Recreation Ground Mgt Committee – Request Financial Assistance</b></p> <p>a) Approve an interest free loan up to \$75,000 with repayments at \$5,000 per annum.</p> <p>b) Approve a co-contribution of up to a maximum of \$10,000 if there is a funding shortfall after revised scope of works and revised costings have been received, with the co-contribution to be funded from the 2020-21 Budget allocation for section 356 or from 2019-20 Quarterly Budget review budget surplus.</p>	<p>Information has been communicated to Lockhart Football Netball Club and the Lockhart Recreation Ground Management Committee.</p> <p>Complete.</p>
99/20	DCCS	<p><b>Tender – Lockhart Recreation Ground – Extend/Upgrade Amenities</b></p> <p>1. Council declines to accept any of the tenders submitted for the Lockhart Recreation Ground – Extend and Upgrade Amenities Building Tender No. C2020/02 as tendered prices exceeded the available budget; and</p> <p>2. Council delegates the General Manager to enter into negotiations with any of the tenderers to undertake the works at a revised price or scope of works.</p>	<p>Council is in the process of seeking revised quotes for a reduced scope of works for Stage 1.</p> <p>Revised quotes received; Stage 1 has been awarded to Precise Build.</p>
<b>Ordinary Council Meeting held 20 April 2020</b>			
70/20	GM	<p><b>Review of Operational Land</b></p> <p>Council adopt the following actions in relation to the review of land classified as “operational land”:</p> <p>1. Explore opportunities for biodiversity offsets in respect of the former Milbrulong School site situated on the corner of Benders Lane and the Lockhart The Rock Rd;</p> <p>2. Investigate the feasibility of undertaking a large-lot residential subdivision on Lot 62 DP1015278 and Lot 90 DP756417 Prichard Place, Lockhart before determining whether or not to dispose of the land; and</p> <p>3. Approach the adjoining owner of the land situated at 2410 Albury Road, Urangeline regarding potential sale or transfer of the land.</p>	<p>1. Availability of land for biodiversity offsets has been made known to relevant brokers etc.</p> <p>Complete.</p> <p>2. Availability of land for biodiversity offsets has been made known to relevant brokers etc.</p> <p>Complete.</p> <p>3. Contact has been made with the adjoining land owner and information provided regarding the Council owned land in anticipation of further discussions.</p>

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Minute No:	Officer to Action	Council Resolution	Action Taken
<b>Ordinary Council Meeting held 18 November 2019</b>			
292/19	DCCS	<p><b>Council Buildings – Dentist and Lockhart Museum</b></p> <p>Council approve part funding of works as detailed in the report to the Lockhart Museum building at 39 Urana St and the dentist building at 85 Green St Lockhart from Internal Reserves for Buildings for the amount of \$33,120.00.</p>	Painting has been rescheduled to week of 17 August.
<b>Ordinary Council Meeting held 16 September 2019</b>			
256/19	GM	<p><b>Lockhart Renewable Energy Project</b></p> <p>a) Having secured Commonwealth government funding totalling \$1 million for the Better Energy Technology Renewable Energy Project for Lockhart Township; and</p> <p>b) Having given 28 days public notice of its intention to do so:</p> <p>c) Hereby resolves pursuant to Section 356 Local Government Act 1993 to provide financial assistance totalling \$1 million to Better Energy Technology, in the same manner, i.e. progress payments, as Council receives the funding from the Commonwealth, and for the sole purpose of undertaking Stage 1 of the Lockhart Renewable Energy Project.</p>	<p>A further progress report has been included in the August Council meeting Business Paper.</p> <p>Arrangements have also been made for Gordon Hinds of Better Energy Technology to address Council and provide a further update.</p>
<b>Ordinary Council Meeting held 19 August 2019</b>			
223/19	DEES	<p><b>Lockhart Caravan Park</b></p> <p>a) Endorses the proposed Lockhart Caravan park revised layout; and</p> <p>b) A further report be brought to Council in due course once a detailed costing can be provided.</p>	Work in progress. Following up design of fire hydrant and hose reels. Preparing DA for caravan park.
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>	Advertisement placed in the Lockhart Shire newsletter and on social media.

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Minute No:	Officer to Action	Council Resolution	Action Taken
<b>Ordinary Council Meeting held 15 April 2019</b>			
77/19	DCCS	<p><b>Lockhart Medical Centre Community Services Building</b></p> <p>Council support the change of use to the Lockhart Medical Centre/Community Services, on the corner of Matthews and Hebden Streets in principle and provide a letter of landowner consent to a Development Application being lodged.</p>	<p>Valmar provided their proposed changes and letters were sent to neighbouring property owners informing them of the proposed change of use, with no replies received.</p> <p>The building is now in use for the desired purpose.</p> <p>Complete</p>
<b>Ordinary Council Meeting held 15 October 2018</b>			
260/18	TEDO	<p><b>Minutes of the TEDSC Meeting – Water Tower Long Term Maintenance</b></p> <p>An agreed amount be held in reserve to enable future maintenance of the Lockhart Water Tower as and when needed.</p>	<p>A draft MoU has been prepared and referred to RWCC for comment following which it will be presented to Council for consideration at the September Council meeting.</p>
<b>Ordinary Council Meeting held 16 May 2016</b>			
109/16	DCCS	<p><b>Old Lockhart Railway Station Building</b></p> <p>Council to:</p> <p>a) Seek to find a suitable use/tenant for the building</p> <p>b) Begin negotiations with JHR to hand building back, if suitable use/tenant not found within next 6 months.</p>	<p>a) No potential tenancy enquiries received, infrequent use as regional meeting site, or by local schools.</p> <p>b) Variation to Lease being pursued to reduce rental.</p>
<b>Ordinary Council Meeting held 20 July 2020 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DEES	<p><b>Cr Schirmer – Table Drain, Spanish Ave</b></p> <p>Drew attention to the table drain adjacent to Mrs McKenzie’s property in Spanish Avenue, which is still holding a large quantity of water. Requested works be undertaken to release this water to prevent mosquitos.</p>	<p>Works programmed for end of August/early September subject to weather conditions.</p>
	DEES	<p><b>Cr Schirmer – Garbage Bins in Main Street</b></p> <p>Noted that liquid waste is leaking from bins onto the pavers below, causing staining. Requested that pressure-washing of the pavers beneath each bin be undertaken.</p>	<p>Pressure washing scheduled for September.</p>
	DEES	<p><b>Cr Schirmer – Lockhart The Rock Road</b></p> <p>Requested a quotation be sought for fog lines and centre lines between Lockhart and The Rock, particularly on the bend at the County Boundary Road intersection.</p>	<p>DEES advised that he has inspected the road. Road width is an issue and will follow up with TfNSW as to whether the lines can be put in place as they are not allowed on narrow roads.</p>

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Minute No:	Officer to Action	Council Resolution	Action Taken
	DEES	<b>Cr Verdon – The Rock Hill Nature Reserve</b> Has noticed and received comments regarding the signage on approach to the Nature Reserve being extremely dull and difficult to read. Who owns the signs and is therefore responsible for maintenance?	Contacted NPWS who owns and who is responsible for the upkeep of wayfinding signs at The Rock Nature Reserve - Kengal Aboriginal Place.
	DEES	<b>Cr Verdon – The Rock Recreation Ground</b> Asked for the timeframe for completion of the carpark at The Rock Recreation Ground.	Works programmed for end of August/early September subject to weather conditions.
	DCCS	<b>Cr Driscoll – Childcare in the Shire</b> Requested that Council investigate the childcare situation in the Shire and ascertain if there is a need that could be supported by any of The Rock OOSH surplus.	Council will contact both schools in Lockhart as a starting point for feedback on demand for before & after school care.
	TEDO	<b>Cr Driscoll - Signage at The Rock Hill</b> Requested that Council's Tourism and Economic Development Officer make enquiries of National Parks & Wildlife regarding additional/better signage for the tracks.	TEDO has requested an onsite meeting to discuss a range of items including these signs, road signs and the overall strategic direction.
<b>Ordinary Council Meeting held 15 June 2020 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DCCS	<b>Cr Driscoll – The Rock Recreation Ground</b> Enquired as to who is responsible for the cleaning of the public toilets at The Rock Recreation Ground.	DCCS advised a review is required of which Council toilets are considered to be "public toilets" and how they are serviced. Further advice will be provided.  Information is being compiled on all Recreation Grounds and Showgrounds under S355 management, a report will be provided at August 2020 meeting.
	DEES	<b>Cr Douglas – Provision of Parking for Long Vehicles</b> Enquired as to whether it was possible to change the designated angle parking on the southeast side of Urana Street, adjacent to the museum, to parallel parking for people towing trailers and caravans.	A change will possibly require a report to Council's Traffic Committee.  Will investigate and advise.
	DCCS	<b>Cr Walker – Toilets, The Rock Showground &amp; Golf Course</b> Advised he has been approached for Council to take over cleaning/management of the toilets at The Rock Showground and Golf Course and asked what the possibility might be of that happening.	Will investigate and advise.  Information is being compiled on all Recreation Grounds and Showgrounds under S355 management, a report will be provided at August 2020 meeting.  Report included in August Business Paper.

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Minute No:	Officer to Action	Council Resolution	Action Taken
<b>Ordinary Council Meeting held 20 April 2020 – Councillor Questions &amp; Statements</b>			
	DEES	<b>Cr Rockliff – Verandahs in Lockhart</b> Advised that despite control efforts so far, the problem birds have moved from once place to another and something more needs to be done. The birds have moved on from Lockhart Building Supplies to the Medical Centre and Newsagency, almost to “Ginge & Fluffs” second-hand store.	Cost estimate to install bird spikes similar to current along full length on both sides is between \$35,000 and \$65,000. Not included in draft Budget for 2020/21.
	DEES	<b>Cr Rockliff - Weeds</b> Advised the “cat heads” and khaki weed infestations around town are causing issues for “gopher” owners, causing tyre punctures.	Considering clearing areas in vicinity of town centre. To be programmed.
<b>Ordinary Council Meeting held 16 March 2020 – Councillor Questions &amp; Statements</b>			
Questions & Statements	GM	<b>Cr Walker - 9-Day Fortnight</b> Asked if the shorter working week has been successful.	Whilst the 9-day fortnight is working satisfactorily to date, the trial period has been extended to better gauge the impacts on reception staff and increased reception hours. Due to the closure of Council’s reception in response to the COVID-19 pandemic, recent months may not have provided a good guide of the impacts.
	DEES	<b>Cr Verdon – Emily St</b> Notes that any flood mitigation works in this area is unfunded but asked if Council had plans to clean it up, to allow water to flow, especially towards the southern end, near Semmens Rd as residents are concerned.	Clearing works programmed for November.
<b>Ordinary Council Meeting held 3 February 2020 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DEES	<b>Cr Verdon – Risk of Falling Tree Limbs at The Rock Recreation Ground</b> Advised of current danger imposed on campers regarding possible falling tree limbs at The Rock Recreation Ground and enquired who is responsible for trimming these limbs to ensure public safety.	Annual pruning to start at The Rock in August. Facilities Officer will inspect prior to works being conducted.
	DEES	<b>Cr Rockliff – Lawn Cemetery, Lockhart</b> Advised that residents are again concerned about the care taken of plots and sprinklers not working at the Lockhart Lawn Cemetery.	Still issues with controller. Contractor engaged to replace controller.

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Minute No:	Officer to Action	Council Resolution	Action Taken
	DEES	<p><b>Cr Rockliff – Lockhart and The Rock Swimming Pools</b></p> <p>Advised that the Lockhart Swimming Pool had recently sustained damage during a break-in and requested Council consider the installation of CCTV to identify and deter from this reoccurring.</p>	<p>Quotes received total \$12,500 to install security at both pools.</p> <p>Work Schedule for LRCI Program issued to Department. Works to commence once Works Schedule is approved.</p>
	DEES	<p><b>Cr Marston – CCTV</b></p> <p>With regard to the enquiry made by Cr Rockliff regarding the possible installation of CCTV at Lockhart and The Rock Swimming Pool Complexes, Cr Marston requested that Council also include Recreation Grounds in the Shire in this consideration.</p>	<p>Quotes received, minimum of \$6000 per site. Not included in draft Budget for 2020/21.</p> <p>Could be considered under LRCI Program, with further consultation required with s355 management committees.</p>
	DEES	<p><b>Cr Douglas – Lockhart and The Rock Swimming Pools</b></p> <p>Commented that the new pools are great facilities for the Shire but he believes the contractor at each pool is being put at risk if working by themselves and he would like Council to consider hiring additional staff for security and safety reasons. Cr Douglas asked if going forward Council could consider amending contractual arrangements to stipulate that two people be present at all times during pool opening hours.</p>	<p>Contacted with Royal Lifesaving NSW and has reviewed Council's contractual arrangements.</p> <p>To undertake a risk assessment prior to establishing lifeguard ratios in accordance the 'Guidelines for Safe Pool Operation'.</p> <p>Waiting for RLNSW to finalise quote for assessments and dates.</p>
<b>Ordinary Council Meeting held 18 November 2019 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DEES	<p><b>Cr Rockliff – Walter Day Park, Lockhart</b></p> <p>Enquired if there is a problem with the sprinklers at Walter Day Park, as large sections of grass are dying off?</p>	<p>Undertook some works.</p> <p>Engaged contractor to replace sprinkler valves.</p>
<b>Ordinary Council Meeting held 19 August 2019 – Councillor Questions &amp; Statements</b>			
Questions & Statements	GM/DCCS	<p><b>Cr Marston – Status of Work on the Second Oval, The Rock</b></p> <p>Enquired about the status of the work for the second oval at The Rock particularly with respect to commencing the project within 12 months of the grant being approved.</p>	<p>Prepared 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.</p> <p>On advice from Crown Lands Council has made contact with NSW Aboriginal Land Council, awaiting response.</p> <p>General Manager &amp; DCCS convened a meeting with the Pony Club &amp; The Rock Recreation Ground Management Committee, as a result the Pony Club have agreed to remain at the recreation ground. Plans are being finalised on the development required to enable both the Pony Club &amp; the second oval to co-exist. This will allow for the construction of second oval to proceed.</p>

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Minute No:	Officer to Action	Council Resolution	Action Taken
<b>Ordinary Council Meeting held 15 April 2019 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DEES	<p><b>Cr Driscoll – The Rock Town Entrance Sign</b></p> <p>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?</p>	GHSC advised it will be done when they are doing some line marking in the area.
<b>Ordinary Council Meeting held 20 November 2017 – Councillor Questions &amp; Statements</b>			
Questions & Statements	GM	<p><b>Cr Marston – Potential Purchase of Land for Development</b></p> <p>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.</p> <p>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>

**August 2020 Council Meeting - Correspondence Sent to Councillors**

Date sent to Councillors	From	Subject	File Ref
24/07/2020	LG NSW and ALGA	Weekly Local Government News	S20-020
24/07/2020	General Manager	Aged Care – Lockhart	A25-030
31/07/2020	LG NSW and ALGA	Weekly Local Government News	S20-020
10/8/2020	LG NSW and ALGA	Weekly Local Government News	S20-020

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



## STAFF REPORTS

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

#### **1. SECTION 355 MANAGEMENT COMMITTEES AND CLEANING AMENITIES (DCCS/C70-035)**

##### Executive Summary

At the June 2020 Council meeting, Council requested a report on the cleaning of amenities at The Rock Recreation Ground and The Rock Showground and Golf Course.

##### Report

This report is as a result of two separate enquiries raised in Questions and Statements at the June 2020 Council meeting as follows:

1. **The Rock Recreation Ground** – Cr Driscoll enquired as to who is responsible for the cleaning of public toilets at The Rock Recreation Ground?

Response - Director of Corporate & Community Services: A review is required of which of Council's toilets are considered to be "public toilets" and how they are serviced. Further advice will be provided.

2. **Toilets** – Cr Walker has been approached for Council to take over cleaning/management of the toilets at The Rock Showground and Golf Course and asked what the possibility might be of that happening.

Response - Director of Corporate & Community Services: Will investigate and advise.

These two questions will be covered in this report as will Management Committees' responsibilities and Council's public toilets across the Shire.

##### **Management Committees**

Section 355 Management Committees are covered by Council Policy 1.11 Section 355 Committees. The policy statement details "A Section 355 Committee is a Council-approved committee of volunteers who accept the responsibility for the carrying out of a Council function or the management of a Council-owned community facility in the Shire".

A list of current Section 355 Committees established by Council is provided in the table below.

<b>COMMITTEE</b>	<b>DELEGATION</b>
Bidgeemia Hall Committee	Care, control and management of Bidgeemia Hall
Lockhart and District Historical Society	Care, control and management of the Dorothy Golder Museum.
Lockhart Recreation Ground Committee	Care, control and management of Lockhart Recreation Ground
Lockhart Showground and Racecourse Management Committee	Care, control and management of Lockhart Showground and Racecourse
Magnolia Lodge Tenancy Advisory Committee	Determine applications from prospective tenants for occupancy of the Magnolia Lodge units.
Milbrulong Hall Committee	Care, control and management of Milbrulong Hall
Osborne Recreation Ground Committee	Care, control and management of Osborne Recreation Ground
Pleasant Hills Hall Committee	Care, control and management of Pleasant Hills Hall
Pleasant Hills Recreation Ground Committee	Care, control and management of Pleasant Hills Recreation Ground
The Rock Hall Committee	Care, control and management of The Rock Hall

<b>COMMITTEE</b>	<b>DELEGATION</b>
The Rock Recreation Ground Management Committee	Care, control and management of The Rock Recreation Ground and the community meeting space and gym at the Rock Swimming Pool Amenities Building.
The Rock Showground Management Committee	Care, control and management of The Rock Showground
Tootool Recreation Reserve Committee	Care, control and management of Tootool Recreation Reserve
Tootool Roadside Rest Stop Committee	Care control and management of the Tootool Roadside and Rest Stop and associated facilities.
Tourism and Economic Development Committee	Provide advice and make recommendations to Council in relation to tourism and economic development matters.
Yerong Creek Hall Committee	Care, control and management of Yerong Creek Hall
Yerong Creek Recreation Ground Committee	Care, control and management of Yerong Creek Recreation Ground, mowing of roadsides adjacent to the Recreation Ground and maintenance of the Yerong Creek Cemetery.

All the above committees, except the Magnolia Lodge Tenancy Advisory Committee and the Tourism and Economic Development Steering Committee, have the delegated authority for the “Care, control and management of...” a specific reserve and the facilities on that reserve.

To assist the Management Committees to undertake the care, control and management of the reserves and facilities for which they have been given delegated authority, Council provides an annual budget allocation. In broad terms these funds are to enable the Management Committees to fund operating costs, repairs, maintenance and minor improvements on an ongoing basis.

There are times when the budget allocation does not cover some major repairs or improvements. Upon request Council can and has provided Management Committees with additional funding from Council’s Section 356 budget allocation. Recent examples include the Lockhart Showground and Racecourse to install a new absorption pit and The Rock Recreation Ground to upgrade the main oval.

To fund major refurbishments and/or new capital works Council and the Management Committees have generally relied on State and Federal Government grant programs.

### **Public Toilets**

Council has a number of public toilet facilities throughout the Shire. The locations of public toilets throughout Australia are available on the National Public Toilet Map <https://toiletmap.gov.au/>.

Public toilet locations in the Lockhart LGA are listed as:

Lockhart	CWA Park Walter Day Park Cemetery
Pleasant Hills	Park, Ryan St
The Rock	The Avenue, Urana St Coronation Park The Rock Train Station Cemetery
Tootool	Roadside Reserve
Yerong Creek	Stan Galvin Park

Council cleans all the above public toilets, except at Pleasant Hills and Tootool, which are cleaned by volunteers, and The Rock Train Station with cleaning organised by State Rail.

### Management Committees and Amenities

All the Management Committees that undertake care, control and management of community facilities on behalf of Council have toilet facilities at their location. Other than the amenities at The Rock Recreation Ground and the Lockhart Recreation Ground, all other management committees perform the cleaning and upkeep of these amenities, and most are only cleaned when they have a booking.

At the Lockhart Recreation Ground there are two toilet blocks, one male and one female, behind the preschool that are cleaned by Council on a request basis, when used by the Little Athletics and Lockhart Football Netball Club.

At The Rock Recreation Ground, under normal circumstances i.e. pre COVID-19, the toilet facilities are cleaned three times a week with the cost met by Council.

There are three locations that have the added variable of “free camping”, being Lockhart Showground and Racecourse, The Rock Recreation Ground and Yerong Creek Recreation Ground with the following arrangements in place:

- *Lockhart Showground and Racecourse:* the amenities are not available as the free camping is limited to self-contained campervans.
- *The Rock Recreation Ground:* as stated above the “free camping” amenities are currently cleaned by contractors engaged by Council, usually, three times per week. Since September 2018 free camping has resulted in approximately \$4,100 in takings from donations. Cleaning contractors were engaged in March 2018 and prior to this Council’s Parks & Gardens staff cleaned all the toilets at The Rock.

Prior to March 2017 these amenities were toilets only. At a budget workshop for Council’s 2016-17 Operational Budget a request from The Rock Recreation Ground Management Committee to upgrade the outside amenities to include showers for “free camping”, resulted in an amount of \$26,000 being allocated. Investigation of options revealed the best value for money to refurbish and include showers was \$34,200 (ex GST), so a further \$8,200 was allocated from S94 contributions.

- *Yerong Creek Recreation Ground:* the amenities are cleaned five to seven days per week, depending on the number of campers by volunteers. Since October 2018 free camping has resulted in approximately \$12,200 in takings from donations.

It is noted that over time a number of inconsistencies have developed with respect to the responsibility for cleaning of facilities at reserves being managed by Section 355 Committees. It is also noted that while some of the amenities, i.e. toilet facilities at these reserves are not lockable and therefore accessible all times, this does not necessarily make them by default “public toilets”.

Furthermore, under the current Covid-19 pandemic restrictions, for the two reserves that have amenities available for free camping, i.e. The Rock Recreation Ground and Yerong Creek Recreation Ground a COVID-19 Safety Plan is required in order to reopen. A COVID-19 Safety Plan will help create and maintain a safe environment for everyone. A COVID-19 Safety Plan for camping areas requires the following with respect to hygiene:

*“Clean frequently used indoor hard surface areas (including children’s play areas) at least daily with detergent or disinfectant. Clean frequently touched areas and surfaces several times per day. If grounds are remote with minimal staffing, then visitors should be informed to practise good hygiene and bring their own cleaning equipment.”*

### Responses

Returning to the question of “who is responsible for the cleaning of public toilets at The Rock Recreation Ground”, under the current arrangements Council is responsible for the cost of cleaning the facilities three days per week, notwithstanding that the responsibility lies with the management committees at most other reserves except for Lockhart Recreation Ground where it is undertaken by Council on an irregular, as needs, basis.

The cost of increasing the cleaning at The Rock Recreation Ground to the frequency required to enable compliance with the COVID-19 Safety Plan will exceed Council’s adopted budget and increase the

extent of the inconsistencies that already exist in the cleaning of facilities at reserves managed by Section 355 Committees.

In response to the question regarding Council taking over responsibility for cleaning/management of the toilets at The Rock Showground and Golf Course, it is noted that the Operational Plan Budget adopted at the July 2020 Council meeting, does not provide for the additional cost that would be involved and Council would need to formally resolve to allocate additional funds for this to occur.

Accepting responsibility for cleaning the facilities at The Rock Showground and Golf Course would create a further precedent which would also add to the existing inconsistencies with respect to other reserves managed by Section 355 Committees across the Shire.

Having regard to the above the following options have been identified:

*Option 1:* Maintain the status quo. This is not recommended due to the inherent inconsistencies and anomalies involved.

*Option 2:* In accordance with Policy 1.11 Section 355 Committees be deemed responsible for the care, control and management of the reserves under their delegated authority, including the cleaning of amenities. If adopted, it is recommended that this approach take effect from next financial year as the current practice is funded by the adopted budget for 2020/21.

*Option 3:* Council offer to accept responsibility for cleaning amenities at all reserves managed by Section 355 Committees for amenities that don't form part of the main building, auditorium or hall on that reserve. If this option was to be adopted for this financial year detailed costings would need to be calculated and a budget allocation provided.

Options 2 and 3 both result in a more consistent approach compared to the status quo. However, it is considered that Option 3 would be administratively inefficient for Council, as not all amenities require cleaning on a regular basis and managing local functions and events, coordinating the cleaning, determining the frequency of cleaning and engendering volunteerism are all aspects that the Section 355 Committees are better placed to manage at the local level than Council is.

#### Integrated Planning and Reporting Reference

A2 Our community services and facilities meet the needs of our communities.

D1 Infrastructure that facilitates an active community.

#### Legislative Policy & Planning Implications

Nil.

#### Budget & Financial Aspects

Cost to currently clean The Rock Recreation Ground amenities is in the range \$6,500 to \$7,300 (contingent on the frequency of third clean per week), plus consumables to fill soap dispensers, paper towel and toilet paper.

Cost to currently clean Lockhart Recreation Ground amenities for an estimated 15 weeks of Little Athletics and nine home games for Lockhart Football Netball Club is approximately \$720, plus toilet paper.

If any further costings are required regarding any cleaning at reserves managed by Section 355 Committees, a further report can be presented at a future Council meeting.

#### Attachments

Nil.

**Recommendation:** That Council adopt Option 2, to provide Council with a more consistent approach for the cleaning of amenities at reserves managed by Section 355 Committees.

## 2. DROUGHT COMMUNITIES PROGRAMME EXTENSION

(GM/G10-005)

### Executive Summary

The purpose of this report is to update Council on progress being made in relation to the projects nominated for funding under the Drought Communities Programme – Extension grant.

### Report

Set out below is a progress report in relation to the projects nominated by Council, and approved by the Government, for funding under the Drought Communities Programme – Extension grant.

**Drought Support Officer** – employment of a dedicated Drought Support Officer for a fixed term. The initiative was in response to anecdotal evidence that whilst numerous forms of drought assistance are available, local farmers are either unaware of their eligibility for assistance, or the application process is proving too difficult for them. The primary purpose of this position is to support the community in all matters pertaining to drought related assistance and funding opportunities.

Bearing in mind that funded projects must be completed by 31 December 2020, at the time this project was first identified by Council at the beginning of the calendar year a 9 to 12 month appointment was envisaged. However, a recruitment process could not commence until Council's application was assessed and approved by the relevant government department and a funding agreement was signed. This did not occur until July 2020 leaving a much shorter timeframe for the position to have any impact. Since the recruitment process was undertaken a preferred candidate was chosen and offered the position but declined. A second candidate considered suitable for this unique role was subsequently offered the position but also declined.

Continuing the recruitment process will mean that even if an appointment is ultimately made, the amount of time left for the person to have a meaningful impact will be very limited, especially when taking into account the time a successful candidate will need to familiarise themselves with the various forms of drought assistance available and the Government processes involved.

It is understood that new projects cannot be funded at this stage but, subject to approval by the funding body, funds can be reallocated to one of the other approved projects.

**Yerong Creek Water Mural** – painting of a high quality, large scale mural on Yerong Creek Water Tower. An Expressions of Interest document is currently being prepared in consultation with the Yerong Creek Progress Association for the purpose of inviting proposals from artists. Consistent with previous practice it is proposed to establish a selection panel to review the expressions of interest received, comprising representatives of Lockhart Shire Council, Riverina Water as the owner of the asset, and the local community i.e. Yerong Creek Progress Association. The successful proposal will then form the basis of a development application that will have to be prepared.

The actual cost of the mural will not be known until expressions of interest have been received, and the preferred design selected. Whilst it is expected that the amount allocated will be sufficient for the painting of the mural itself, additional funds will be required for ancillary facilities to cater for visitors to the Tower e.g. off road parking area, upgrading of the lane linking the Water Tower to Stanley Galvin Park, seating etc.

These additional works will complete the project as a tourist attraction similar to the Milbrulong Water Tower, where a "Rosella Walk", seating etc. is proposed at the foot of the tower as part of the funded project, and the facilities that were already available at CWA Park where the Lockhart Water Tower mural is situated.

These additional unfunded works could be funded by reallocating 50% (\$35,000) of the funds set aside for the Drought Support Officer position however a request for a variation will have to be submitted to the funding body.

**Water Supply Extension** – extend the reticulated water supply by up to 10.8 kilometres along Vincents Road and Bidgeemia Road to drought proof up to 21 properties not currently serviced by town water. The works will be undertaken by the regional water authority, Riverina Water. Formal correspondence has been exchanged with Riverina Water to enable the works to proceed. Riverina Water is also arranging for written notice to be forwarded to affected landowners at the appropriate time with relevant

information noting that the extension is being funded by grant funding secured by Lockhart Shire Council.

**Footpaths and disabled access** – construct and enhance footpaths and disability access in Lockhart and The Rock. The work has been programmed with commencement subject to weather conditions. The scope of works for this project could easily be revised to undertake additional works using the other 50% of the funds set aside for the Drought Support Officer.

**Electronic scoreboards** – purchase and commissioning of electronic scoreboards at the Lockhart, Osborne and The Rock Recreation Grounds. The quotation obtained for the purposes of preparing the initial grant application is being updated.

**Second oval at The Rock Recreation Reserve** – Specifications are currently being finalised for the second oval and relocated Pony Club horse dressage area and quotes being obtained. A surveyor has been engaged to peg the western boundary. The existing boundary fence is not on the correct alignment and an accurate survey of the boundary will free up land necessary to ensure the dressage area and second oval can both be accommodated.

**Adverse Event Plan** – It is a condition of the grant funding that councils must prepare an Adverse Event Plan if they do not already have one. The Adverse Event Plan must give consideration to natural resource management, economic diversification and community resilience, and communication and coordination.

Whilst part of the grant funding could be used for this purpose, an Adverse Event Plan has been prepared in-house without utilising the grant so that all the available grant funding can be applied to Council's nominated projects. The Plan has been prepared with reference to existing documents including the Local Emergency Management Plan and Community Strategic Plan.

#### Integrated Planning and Reporting Reference

- A2 Ensure that Lockhart Shire is well prepared to respond to adversity.
- A2 Provide and advocate for services that respond to the needs of our community.
- B1 Improve services and infrastructure that supports our rural business.
- B1 Provide business support to our community.

#### Legislative Policy & Planning Implications

Nil.

#### Budget & Financial Aspects

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

#### Attachments

Nil.

**Recommendation:** That Council:

- 1) Nominate a representative to participate on the selection panel to review expressions of interest received for the Yerong Creek Water Tower Project; and
- 2) Submit a request to the Australian Government for a variation to the Funding Agreement to reallocate the funding from the Drought Support Officer Project to the Yerong Creek Water Tower Mural Project and the Lockhart and The Rock Footpaths and Disabled Access Project.

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

Nil.

**STRATEGIC DIRECTION C: An Environment that is Respected and Protected**

Nil.

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

### **3. ENGINEERING AND ENVIRONMENTAL SERVICES REPORT**

(DEES/T10-005)

#### Executive Summary

Monthly report on engineering and environmental services matters.

#### Background Information

##### a) **Works:**

*Urana Road (MR 59):* Approximately 10.7 kilometres of Urana road shoulder widening works is completed to date. Council also completed the table drains, batters, sealing and linemarking. Council is currently supplying glass to stockpile site and extending culverts.

*Western Road (R2R):* 3.7km of Western Road sealing has been completed. Widening of an additional 1km of shoulders is programmed for 2020-21.

*The Rock Mangoplah Road:* Council completed 1.2km of shoulder widening. Widening of an additional 1km of shoulders is programmed for 2020-21.

*Wattles Lane:* Council engaged a contractor to complete the survey and design for this project.

*HVSP culvert upgrades:* Culverts are installed at Flood Detour Road and Grubben Road. Culverts are delivered to site at Lockhart-The Rock Road and The Rock Bullenbong Road. Installation of culverts on Lockhart The Rock Road and The Rock Bullenbong Road is programmed to start in early September (completion at end of October).

*Grading of unsealed roads:* Council is continuing grading in accordance its 12-month programme and recently completed grading on Edwards Lane, Hendersons Road, Kingston Lane, Maffra Lane, Vennells Lane, Iletts Lane and Ryan Stock Route.

*Resheeting:* Council completed works on Curries Lane, McGeachies Lane and Mittagong Yerong Creek Road.

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

##### b) **Major Projects:**

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

##### c) **Road Safety:**

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

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

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

*Road Safety Projects:* Assessing crash data for Safer Roads grant submissions. 2021/22 Road Safety Projects are approved by TfNSW, however 2020 Lockhart Picnic Races has been cancelled, therefore breath testing and drink driving presentations will not be undertaken.

*School bus parking on King Street, The Rock:* Request to move sign and widen school bus parking on King Street, The Rock completed.



*Yerong Street and Braithwaite Lane Intersection:* Recommendations for Yerong Street and Braithwaite Lane Intersection completed.

*Look Out Before You Step Out:* Decals were ordered to replace faded and damaged decals in the main street.

*Lockhart The Rock Road and Albury Road intersection:* Undertook a road safety assessment at the intersection of Lockhart – The Rock Road and Albury Road. Report to be finalised.

d) **Traffic Committee:**

Nil.

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

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

The next LEMC meeting is scheduled for 16 October 2020.

f) **Fleet:**

Obtaining quotes and issued tender for plant replacement in accordance with the adopted 2020/21 budget.

g) **Biosecurity and Environment:**

*Weeds:* Inspections were carried out on residential, rural, and commercial properties, which were selected due a change in ownership or to assess the effectiveness of applied control methods. The weeds most found were Bridal creeper (*Asparagus asparagoides*), Horehound (*Marrubium vulgare*), Prickly pear (*Opuntia sp.*), and Privet (*Ligustrum sp.*).

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
4	2	0	0	0	1	0

*Control Program:* Priority was given to the control of Bridal creeper (*Asparagus asparagoides*) and Horehound (*Marrubium vulgare*) on roadside reserves.

*Common White Snail Baiting Program:* Snail baiting application occurred on Fairview Lane on 15 July.

*Riverina Weeds Action Program:* The end of year reporting for the Weeds Action Program (WAP) for 2015-2020 was completed in July. For the financial year of 2019-2020, all targets were achieved, and the expenditure was slightly over budget, due to a surplus from the 2018-2019 year, that was required to be expended. No new incursions were experienced in the Shire which is encouraging.

Over the life of the project \$537,693.72 was spent to complete priority weeds targets. These targets included:

- Reduction of established incursions, the promotion of the use of hygienic practices through the vehicle hygiene protocol and, implementation and promotion of the red guidepost initiative.
- Implementation of the regional inspection program by incorporating the high-risk management plan, particularly for the inspection of high risk pathways and sites on both land and waterways.
- Assessment of the weed management operational plan, and management of invasive weeds on land and waterways, on public land.

- Effective management of invasive weeds on private land through implementation of a targeted inspection program and, providing landholders with technical advice and support on weed management.
- Implementation of the regional communication strategy through distribution of weed identification and weed control management resources.
- Education and training.

Council staff remain committed to ensuring environmental health and protection through enforcement of the NSW Biosecurity legislation, reinforced by annual funding committed through Council's operating budget.

h) **Parks and Gardens:**

*Lockhart Pool:* Stones and logs are being used to retain softfall, create a break between the lawns and playground, and add a 'nature play' element. These components were added last year before the pool opened and were very well received. Due to time constraints the finishing touches and planting was not completed, those features are now being achieved in preparation for this season.

*Parks and Gardens:* Winter pruning and fertilizing of roses has been conducted. Irrigation systems have been reduced or turned off. Some maintenance is scheduled to be carried out before spring growth commences. Routine garden maintenance is being conducted including regular weeding, spraying, pruning, and mulching.

*Mowing and Slashing:* The winter mowing schedule is continuing in urban areas, where accessible, after the regular rain has left many areas waterlogged. Growth of irrigated lawns has slowed significantly. Mowing is scheduled as required.

*Weed Control:* Regular spraying and weeding of winter weeds will continue in urban areas. Spraying lawns for broadleaf weeds, especially clover, is also conducted.

*Trees:* The watering of street trees was reduced due to recent rain and cooler temperatures. Many of the trees are now dormant. Pruning of street trees and lanes is nearing completion in Lockhart and The Rock.

*Sculpture Trail:* The concrete crew has just completed an artistic challenge to recreate the wool bales of the Showground gates to place Lockhart Community Bank's purchase of the Shears sculpture from the Spirit of the Land Festival. The Shears and bales compliment the gates and the new signage well. The Showground committee are planning to repaint the gates and will paint these new bales to match.

*Urana St, Lockhart:* The beautification of a section of naturestrip on the eastern side of Urana Street including the excavation of the nature strip between the footpath and the kerb, installation of crushed granite, boxing out tree sites, planting and mulching new trees are partially completed. The project will be completed when ordered trees are received.

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

DA No	Development	Applicant	Site of Development
DA1/21	Internal works to existing commercial premises.	TR & KA McLean	124 Green St, Lockhart
DA2/21	Subdivision of land	S Hounsell	5 Bond St, Lockhart
DA3/21	Installation of new front fence	G & M Harper	7 Matthews St, Lockhart
DA4/21	Inground swimming pool & retaining wall	T Simmonds, I & M Pools	577 Spurrells Rd, Pleasant Hills

#### Legislative Policy and Planning Implications

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

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

#### Integrated Planning and Reporting Reference

C2 Flora and Fauna are protected across the Shire.

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

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

#### Budget and Financial Aspects

Will be conducted within Council's allocated budget.

#### Attachment

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

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

#### **4. VARIATION TO DEVELOPMENT CONTROL PLAN DA7/21 (DEES/P25-010)**

##### Executive Summary

Council have received an application for development involving the construction of a new colorbond shed at 52 Nicholas Street, The Rock NSW. The proposed development is not consistent with the Lockhart Development Control Plan 2016 and therefore presented for Council's consideration.

##### Background Information

To ensure that development positively responds to the character of the Shire's village areas, the Lockhart Shire Development Control Plan 2016 (DCP) sets in place development restrictions on development in residential and village areas, including building heights. Noting this, Council has received a development application for a new detached shed at a residential allotment within The Rock village.

As part of this application, the developer proposes a shed wall height of 4.2 metres to the gutter (1.0 metre higher than what the DCP permits), with an overall shed height of 5.81 metres exceeding the 4.5 metre restriction of the DCP by 1.31 metres. The applicant owns an electrical business and requires extra storage for his plant and equipment, such as his work vehicle and trailer, scaffolding and other items. A written statement from the applicant confirms that the shed will not be used as a workshop. The increased shed height will allow for the construction of a mezzanine floor inside the shed. The shed is proposed to be set back in the rear yard, 3.0 metres from the rear access lane and 1.0 metre from the eastern boundary.

In determining this request Council needs to consider several variables which may influence the development.

##### **Streetscape**

The site of development is a large residential allotment on the north western fringe of the RU5 village zoning. The proposed shed is to be located in the rear yard. The land is also serviced by rear lane access, to which the applicant intends to make full use by providing vehicular access into the proposed building. Ample screening from street trees and established gardens is provided to soften the impact of the shed.

##### **Precedence**

There are no sheds within the immediate vicinity of the dwelling house that have been approved for construction beyond the building height restrictions of the DCP.

### **Objectives of the control requirements**

Despite the much taller walls, the proposed shed maintains a low-pitched roof design, and measures 1.31 metres higher than what the DCP permits overall. The building will be of a low-reflective, pre-finished material which is consistent with the design in the locality. Once, constructed, noise issues are unlikely as the building is for storage, and existing services remain unaffected.

Aside from the building height restriction, a comprehensive assessment of the development application has not revealed any other issues that may appear problematic with respect to the natural or built environments. The notification period for submissions from adjoining property owners closes on 13 August 2020.

### Integrated Planning and Reporting Reference

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

### Legislative Policy and Planning Implications

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

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

### Budget and Financial Aspects

Nil.

### Attachment

- Elevation and site plans
- Application for variation from applicant

**Recommendation:** that Council grants consent for a variation to the Lockhart DCP, provided there are no opposing submissions, thereby permitting an increased building height for a proposed new shed at 52 Nicholas Street, The Rock.

Item 4 – Attachment 1: Elevation & Site Plans



Item 4 – Attachment 2: Application for Variation



**LOCKHART SHIRE COUNCIL**

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Website: <http://www.lockhart.nsw.gov.au>

File P25-010

**Application for Variation to Development Control Plan**

1. DA No <u>7 / 21</u>				
2. Subject of Land:				
House No	<u>15</u>	Street	<u>King</u>	
Town	<u>THE ROCK</u>			
Lot	<u>1</u>	Section	DP	<u>782604</u>

**Information for the applicant**

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

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

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

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

PART 4 RESIDENTIAL AND VILLAGE DEVELOPMENT

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

3.1 METRES TO GUTTER VARIED TO 4 METRES.

4.5 METRES TO HIGHEST PART OF SHED VARIED TO 5 METRES.

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

DUE TO ME OWNING MY OWN ELECTRICAL BUSINESS

I REQUIRE EXTRA STORAGE SO I AM LOOKING AT PUTTING A

LOFT IN SHED AT 2.4 METRES FROM FINISHED CONCRETE

SO I CAN PARK WORK VEHICLE & TRAILER UNDER AND

THAT HAVE HEIGHT ABOVE LOFT TO WALK AROUND SO I CAN

STORE EXTRA EQUIPMENT IN LOFT SUCH AS SCAFFOLDING. I NEED

GROUND LEVEL STORAGE FOR MY CHERRY PICKER, KANGA

LOADER, AND TRAILER GENERAL USE AND VEHICLE & WORK TRAILER.

SHED WILL NOT BE USED AS A WORKSHOP FOR BUSINESS JUST FOR STORAGE AND GENERAL HOME USE.

Page 1 of 2

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

OBJECTIVE IS MET BY THE EXTRA SPACE  
GAINED : GIVES THE STORAGE REQUIRED TO  
RUN MY BUSINESS FROM HOME AND HAVE WHAT I NEED  
READY AT ANYTIME TO USE.

Any other considerations?

SHED IS AT END OF TOWN SO WON'T BE SEEN  
UNLESS I GO DOWN BACK LANE. EXTRA SPACE GAINED  
BY VARYING THE HEIGHT ALSO ALLOWS ME TO NOT ONLY  
STORE EQUIPMENT BUT ALSO EXTRA RUBBISH WHICH  
CURRENTLY SITS EITHER IN BACK LANE OR BESIDE BIN  
AT FRONT OF HOUSE. THERE IS NO PLUMBING REQUIRED  
DUE TO FACT SHED IS FOR STORAGE PURPOSES ONLY.

**5. HIRE (WET) PLANT AND EQUIPMENT**

**(DEES/T20-010)**

Executive Summary

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

Background Information

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

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

Council at its Ordinary Meeting held on 15 June 2020 approved seven (7) of the quotes received for the hire (wet) of plant and equipment for the 2020-21 financial year. Additional quotes to those already approved by Council have now been assessed and the following contractors are deemed suitable for the hire (wet) of plant and equipment for the 2020-21 financial year.

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

Contractor	ABN	WH&S System	Schedule of Plant	Public Liability Insurance	Personal Accident Insurance
Rollers Australia	√	√	√	√	√
Chaplins Excavator Hire	√	√	√	√	√
Burgess Earthmoving Pty Ltd	√	√	√	√	√

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

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

Based on the above assessment the lowest price (rates) may not be necessarily accepted. Appointment of a contractor will depend on the availability of plant and equipment required for a specific period as well as the above criteria. Once hired a daily equipment hire order including a safety check must be completed.

Legislative Policy and Planning Implications

Section 55 of the *Local Government Act 1993* and the Local Government (General) Regulation 2005 (Part 7 – Tendering) provides that works exceeding \$250,000 must be awarded by Council by way of public tender.

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

Council's auditors advised that 'Management should review expenditure on an annual basis to identify goods or services where expenditure regularly exceeds \$250,000 annually and assess whether these should be subject to a competitive tender process. A review of expenditure in 2019-2020 indicates that Council has spent more than \$250,000 on some contractors for plant and equipment hire. Irrespective whether the expenditure is spread over several projects it is proposed that Council approves the contractors for the hire (wet) of plant and equipment for the 2020-21 financial year to satisfy the recommendation by Council's auditors.

Attachment

Nil.

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

1. Rollers Australia
2. Chaplins Excavator Hire
3. Burgess Earthmoving Pty Ltd.

**6. DEVELOPMENT CONTRIBUTIONS PLAN 2020 FOR THE COUNCIL OF LOCKHART SHIRE  
(DEES/P25-015)**

Executive Summary

The provisions of Section 7.12 of the *Environmental Planning and Assessment Act 1979* ('the Act') enables Council to charge a levy to developers as a means of funding improvements to local infrastructure and services. This new Plan replaces the existing Plan, which was adopted by Council in June 2015.

Report

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

Section 7.12 (formerly s94) of the Act has traditionally been the principal method enabling Councils to levy contributions for public amenities and services required because of development. This may be the provision of new facilities for a new area or may be the expansion of existing facilities where a developed area is growing.

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

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

In accordance with the Act and associated Regulations, Council is required to make of a Development Contributions Plan to impose the conditions for payment of levies, and to what infrastructure the levies will contribute. The making of a Contributions Plan places a financial obligation on Council to deliver the public amenities and public services that it has identified and for which development contributions are then sought.

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

Council at its meeting held on 15 June 2020 resolved that the draft Section 7.12 Development Contributions Plan 2020 be placed on exhibition seeking public comment for 28 days, after which it will be further considered.

The 28 day exhibition period has now expired and there were no comments received from the public.

Integrated Planning & Reporting Reference

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

Legislative Policy and Planning Implications

The s7.12 Contributions Plan has been developed in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations 2000.

The Plan applies to all the land within the Shire, however, does not apply to developments carried out on land to which a contribution has already been paid (under the former Plan, for instance).

Budget and Financial Aspects

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

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

Attachment

- Section 7.12 Development Contributions Plan for the Council of Lockhart Shire 2020 – supplied under separate cover.

**Recommendation:** That Council adopts the Section 7.12 Development Contributions Plan 2020 for Lockhart Shire Council.

## STRATEGIC DIRECTION E: Strong Leadership and Governance

### 7. INVESTMENT AND BANK BALANCES REPORT – JULY 2020

(DCCS/F10-010)

#### Executive Summary

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

#### Report

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

#### Cash at Bank

<b>Opening Combined Cashbook Balance</b>			1,239,527.92
Add: Total Receipts			
	Rates	57,936.72	
	Debtors	29,378.37	
	Miscellaneous	43,181.43	
	Interest	8,173.36	
	Macquarie Bank	200,000.00	
	Sale of 55 Scott Street	34,486.14	
	RMS - RRRP	21,374.00	
	Transport for NSW	4,400.00	
			398,930.02
Less: Total Payments			1,262,159.47
	New Investments	1490-3015-0001	0.00
<b>Closing Combined Cashbook Balance</b>			<b>376,298.47</b>
<b>Closing Bank Statement Balance</b>			
	Bendigo Bank	314,842.64	
	Macquarie Bank	19,700.89	
	Bendigo Bank-Prichard Trust	31,636.04	
			366,179.57
Add: Outstanding Deposits			12,204.56
			378,384.13
Less: Outstanding Cheques			2,085.66
<b>Closing Combined Cashbook Balance</b>			<b>376,298.47</b>
<b>Investments:</b>	<b>Interest Rate per Annum</b>	<b>Amount Invested</b>	<b>% of Total</b>
NAB	0.82	500,000.00	7.81
BENDIGO	0.45	500,000.00	7.81
BENDIGO	0.85	500,000.00	7.81
CBT	0.61	500,000.00	7.81
AMP RIM	1.30	500,000.00	7.81
NAB	0.95	500,000.00	7.81
NAB	0.95	500,000.00	7.81
CBT	0.62	250,000.00	3.91
AMP/RIM	1.30	500,000.00	7.81
AMP RIM	0.95	250,000.00	3.91
Bendigo	0.75	400,000.00	6.25
CBT	0.62	500,000.00	7.81
bendigo	at call	50,000.00	0.78
Bendgio	at Call	50,000.00	0.78
T Corp	at call	900,000.00	14.06
		<u>6,400,000.00</u>	100.00
<b>FUND</b>			<b>AMOUNT</b>
General (PTD)	1490-3000-0000		-1,875,619.97
Combined Sewerage	8490-3000-0000		2,220,282.40
Trust Fund	9991-3000-0000		31,636.04
		<b>376,298.47</b>	<b>376,298.47</b>
<b>TOTAL FUNDS HELD ARE:</b>		<b>6,776,298.47</b>	

#### Integrated Planning and Reporting Reference

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

Plan for the long-term sustainability of the Shire.

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

Legislative Policy and Planning Implications

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

Budget and Financial Aspects

Council's 2020/21 Operational Budget has forecast a total of \$57,000 income from interest on investments, being split between General Fund of \$53,000 and Sewer Fund of \$4,000. For the month of July 2020, the average end of month balance of funds invested has been \$6.4 million and the average return on invested funds has been 0.85%. On these year to date figures, Council's budgeted income on investments will be slightly under budget for the General Fund and Sewer Fund. This will be monitored and if required adjusted at the 1st Quarterly Budget Review.

Responsible Accounting Officer Statement

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

**Recommendation:**

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

**8. UNSPENT EXPENDITURE TO BE REVOTED TO THE 2020/2021 BUDGET (DCCS/F10-010)**

Executive Summary

Council is presented with a list of budgeted items from previous years' budgets that are to be Revoted to the 2020-2021 Operational Budget.

Report

These are budget items and amounts that have been in a previous Operational Plans and/or by Council resolutions that have not incurred any expenditure as at year end, 30 June 2020, which need to be revoted/carried forward to the current year Operational Plan Budget.

Budget items are:

- Administration Office Development	2018/19	\$50,000
- Administration Office Development	2019/20	\$80,000
<b>Capital Expenditure to be Revoted to 2020-2021</b>		<b>\$130,000</b>

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

As per Integrated Planning and Reporting Guidelines.

Budget & Financial Aspects

Revotes and carried forwards to be funded from Internal Reserves.

Attachments

Nil.

**Recommendation:** That

- a) the information be noted; and
- b) the list of items contained in the Report be revoked in the 2020/2021 Operational Plan Budget.

**9. MEMBERSHIP OF REGIONAL ORGANISATIONS**

**(GM/R30-005 & R30-025)**

Executive Summary

Council is currently a member of the Riverina Eastern Regional Organisation of Councils (REROC) and the Riverina Joint Organisation (RIVJO). In April 2019 Council resolved to maintain membership of both organisations pending an independent review of the operations of REROC and RIVJO. That independent review has now been completed and considered by the REROC and RIVJO Boards.

Report

Lockhart Shire Council has been a long-standing member of REROC. In December 2017 the Local Government Act was amended to provide a legislative framework for the formation of Joint Organisations of councils (JOs). Pursuant to a resolution passed on 5 February 2018 Lockhart Shire Council is now a member of the Riverina JO (RIVJO) with seven other local councils.

The RIVJO member councils initially took a cautious approach to the transition from REROC to the JO whereby REROC would continue to operate, and after a period of eighteen months (i.e. by 30 June 2020), an independent review of the operations of REROC and RIVJO would be carried out.

The cautious approach was adopted due to concerns regarding the cost of operating JOs. All JOs across the State have repeatedly expressed concern regarding their financial viability.

Whilst at that time no council appeared to support the continuation of both regional organisations in the longer term, the reasons for retaining REROC as a “back stop” were based on concerns regarding the cost of operating RIVJO compared to REROC. JOs are constituted under the Local Government Act and have many of the governance requirements (and costs) that apply to individual councils whereas REROC is an incorporated body registered under the Associations Incorporation Act.

The independent review commissioned by REROC and RIVJO into the operation of both organisations has since been completed and the independent report, along with the recommendations of the REROC and RIVJO Boards were tabled at the May 2020 Council meeting. Council adopted the recommendations and resolved that:

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

Part 2 of the resolution was passed because in the meantime the NSW Government released its COVID-19 Local Government Stimulus Package. Information released by the Office of Local Government (OLG) in relation to the Stimulus Package stated that *“councils that are members of a JO will need to work with member councils to continue to fund their JO for a period of two years as a condition of funding.”*

As part of the Stimulus Package the NSW Government will fully fund the \$32.76 million increase in the emergency services levy (ESL) for all NSW councils for 2020-21. The amount of the increase relating specifically to Lockhart Shire Council is \$88,404. In view of the significant financial implications for Council if it was not able to access the Stimulus Package, Council at its June 2020 meeting resolved that:

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

Council's 2020/21 Budget incorporates the membership fee for both REROC and RIVJO however it was anticipated that during the course of the financial year member councils would be able to transition to the preferred form of single regional organisation i.e. a company limited by guarantee.

However, due to Lockhart and other member councils committing to the JO for a period of two years so as to be able to access the Stimulus Package, it is clear now that this is no longer achievable within the 12 month time frame.

In the circumstances the REROC Board resolved to seek the endorsement of member councils to maintain REROC's current structure for a period of two years including the provision of ongoing funding for the Organisation. A copy of the REROC's Chairman's letter seeking that endorsement is attached.

#### Integrated Planning and Reporting Reference

E1 Implement "Fit For The Future" improvement action plans, i.e. continue involvement with REROC/JO.

#### Legislative Policy & Planning Implications

A legislative framework for the formation of JOs was established with the passing of the Local Government Amendment (Regional Joint Organisations) Act 2017. REROC is an incorporated body pursuant to the Associations Incorporation Act.

#### Budget & Financial Aspects

The 2020/21 Budget has made provision for both the REROC and RIVJO Membership fee. Therefore, there will be no budgetary impact this financial year if Council accedes to the request of the REROC Board to maintain REROC's current structure for a period of two years including the provision of ongoing funding for the Organisation. The 2021/22 Budget will be subject to the usual legislative process including public exhibition of a Draft Annual Operational Plan prior to formal adoption.

#### Attachments

- Letter from the Chair of REROC dated 8 July 2020.

**Recommendation:** That Council endorse the REROC Board's request to maintain REROC's current structure for a period of two years including the provision of ongoing funding for the Organisation.

Item 9 – Attachment: Letter from REROC Chair, Review of the REROC and JO Operations

# REROC

RIVERINA EASTERN REGIONAL  
ORGANISATION OF COUNCILS

PO Box 646  
Wagga Wagga NSW 2650  
**ph:** (02) 6931 9050  
**fax:** (02) 6931 9040  
**email:** mail@reroc.com.au  
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ABN: 91 443 421 423

8 July 2020

Cr Rodger Schirmer  
Mayor  
Lockhart Shire Council  
PO Box 21  
Lockhart NSW 2656

Dear Cr Schirmer,

#### Review of the REROC and JO Operations

I am writing on behalf of the Board of the Riverina Eastern Regional Organisation of Councils (REROC) in relation to the recent review that was undertaken into the operations of REROC and the Riverina Joint Organisation, the implications of the Local Government COVID-19 Stimulus Package and the conditions that pertain to its access.

Your council would be aware that one of the conditions for accessing the Local Government COVID-19 Stimulus Package was that councils who were members of a Joint Organisation were required to retain their JO membership for a period of 2 years. The condition was included in the contracts that councils signed in relation to the funding, significantly the ability to access the NSW Government's ESL funding was contingent on it.

The Member Councils resolved, as a result of the REROC/JO review, to move forward with the creation of a single regional organisation that was incorporated as a limited liability company. The creation of the new organisation depends on the Minister for Local Government providing approval, and if so, would result in both REROC and the Riverina JO being wound up. However, this now seems impossible, the financial implications that would result from these actions cannot be ignored. It is clear that if our Member Councils implement this pathway, they will miss out on hundreds of thousands of dollars in ESL funding.

This issue was discussed, at length, during REROC's June Board meeting. Our discussions were informed by the fact that the Members had already committed to funding REROC and the Joint Organisation for a further 12 months while we waited for permission and then established the new, single regional organisation. The REROC Board remains committed to this course of action but clearly, given current circumstances, this is no longer achievable within the 12-month timeframe.

councils working together

Therefore, the Board has resolved to seek endorsement from the Member Councils to maintain REROC's current structure for a period of 2 years, including the provision of on-going funding for the Organisation. The Board is aware that this has financial implications for the Member Councils and that councils will want to be fully informed before making any commitments. As you know the membership fee for 20/21 Financial Year has already been advised, and Members have committed to that payment.

Over the last 18 months, REROC has been working to put more of its activities on a commercial footing, without disadvantaging our Members. We have introduced Member and non-Member fees for participation in our events, we have increased the cost of trade stands and attendance fees at our conferences and we have been actively seeking sponsorship support for all our activities. Our goal is to generate more "own-source" revenue to reduce dependence on membership fees. These activities will continue with the long-term objective of lowering the cost of membership.

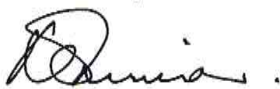
However, even with these activities at this point we expect that the membership fee for the 21/22 Financial Year will be the same as it is for the 20/21 Financial Year.

I understand that this is a challenging time for our membership. What we all hoped was a clear pathway forward we have now been forced to place these plans in abeyance, however in doing so we are ensuring the best financial outcome for our communities. In addition, the OLG are now planning to undertake a review of Joint Organisations before the end of the year.

Given all that is happening, we are seeking a commitment from our Member Councils to continue their membership of the REROC until the end of the 21/22 Financial Year. REROC has made a significant contribution to the operation of our Members and local government generally, not just in our region but within NSW. We believe that it is important that the Organisation continue to provide its services for the next 2 years operating parallel and co-operatively with the Riverina Joint Organisation. In doing so we will ensure that Members continue to have options in relation to how they choose to collaborate on a regional level.

I want to thank the Board and our Member Councils for their patience and forbearance as we deal with these issues. We are genuinely committed to strong regional leadership and by continuing to work together we can deliver positive results for our Members and the communities they represent. I look forward to receiving advice regarding your Council's decision on its continuing commitment to the ROC.

Yours sincerely



Cr Rick Firman OAM  
Chairman.



**10. FORTHCOMING CONFERENCES**

**(GM/S20-005)**

Executive Summary

Council is required to determine its voting delegate and other attendees to the Annual Conference of Local Government NSW (LGNSW). Council also has an opportunity to nominate delegates to the Australian Local Government Association's (ALGA) National Local Roads and Transport Congress which this year is being held in Wagga Wagga.

LGNSW Annual Conference

LGNSW is the peak industry body representing NSW councils. It is also the registered employer organisation representing NSW councils in industrial matters and in award negotiations with the relevant unions.

The LGNSW Annual Conference is the annual policy-making event for all councils of NSW. Councils are provided with the opportunity to submit motions for consideration and debate by delegates. Motions passed at the Conference become Resolutions, which LGNSW takes forward on behalf of councils as part of the sector's advocacy agenda.

This year the Annual Conference will be held from Sunday 22 November to Tuesday 24 November 2020. The Conference will still be hosted by Cessnock Council at the Crowne Plaza Hunter Valley.

LGNSW advises that the Conference will be following the government guidelines on safe events and social distancing, noting that this can change in the future. It will be following hygiene practices by cleaning surfaces, arranging seating, overseeing food preparation and transport, as well as medical assistance as required.

Historically the Mayor has attended the Conference as the Council's voting delegate along with the General Manager. However, Council, at its meeting held on 15 April 2019, adopted a Councillors Professional Development Program which included, amongst other things, provision for one other councillor to attend the LGNSW Annual Conference each year in addition to the Mayor.

Member councils are invited to put forward motions by 28 September 2020 to be considered at the Conference. LGNSW advises that proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions. When submitting motions, councils are encouraged to familiarise themselves with the existing principles and positions of LGNSW on issues of importance to the sector, as councils will be asked to identify if their motion is seeking a change to LGNSW's existing Policy Position.

A draft Conference Programme is attached. The full Conference Business Paper containing the motions that have been submitted for consideration will be available on the LGNSW website two weeks prior to the Conference.

Set out below is a summary of the key dates leading up to the Conference:

17 July	Online registration opens for Conference attendees.
28 September	Deadline for submitting motions for inclusion in the Conference Business Paper.
3 November	Deadline for councils to provide names of voting delegates

ALGA National Local Roads and Transport Congress

Due to the widespread impacts of the drought, devastating bushfires and the Covid-19 pandemic, ALGA was forced to cancel its Annual National General Assembly for Local Government this year. ALGA has since advised that with few opportunities left in 2020 for the Local Government sector to connect on a national level, ALGA has expanded its Annual National Local Roads and Transport Congress to encompass the issues of natural disaster impacts, recovery and resilience, and the coronavirus pandemic.

The Congress will be held in Wagga Wagga on 16 to 18 November 2020.

Traditionally Council has not attended the ALGA National General Assembly for Local Government held in Canberra each year, or ALGA's National Local Roads and Transport Congress. However, as this year's National Local Roads and Transport Congress is being held in Wagga Wagga, an opportunity exists for Council to be represented at the Congress without incurring the usual travel and accommodation costs.

A copy of the programme for the Congress is attached.

#### Integrated Planning and Reporting Reference

- E3 Advocate for the appropriate representation of the needs of the Lockhart Shire community at a state and regional level.
- E3 Continue to lead and advocate on key social and community issues.
- E3 Ensure Council staff and Councillors participate regularly in professional development to support high quality customer service and professional skills.

#### Legislative Policy & Planning Implications

The LGNSW Annual Conference is the annual policy-making event for all NSW councils. ALGA is a federation of state and territory local government associations including LGNSW and represents the local government sector at a national level.

#### Budget & Financial Aspects

The LGNSW Annual Conference costs are provided for in the 2020/21 Budget, except for any partner costs not covered by Council's policy, which will be on-charged, if applicable.

The registration fee for the National Local Roads and Transport Congress is \$989 and includes attendance at all conference sessions, one ticket to the Welcome Reception and Exhibition Opening, morning tea, lunch and afternoon tea as per the conference program and Conference satchel and materials. The 2020/21 Budget includes separate allocations for Councillors Training and Councillors Delegates Expenses.

#### Attachment

- LGNSW Annual Conference Programme – under separate cover.
- ALGA National Local Roads and Transport Congress Programme – under separate cover.

**Recommendation:** That Council:

1. Appoint the Mayor as its voting delegate at the 2020 LGNSW Annual Conference; and
2. Nominate one other Councillor to attend the Annual Conference together with the Mayor and the General Manager.
3. Nominate any delegates to attend the ALGA National Local Roads and Transport Congress.

## **11. REVIEW OF TECHNICAL POLICIES**

**(DEES/C70-025)**

### Executive Summary

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

### Report

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

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

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

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

The policies due for review and the proposed changes are summarised in the table below.

Policy	Proposed Changes
2.10 Authority to Undertake Enforcement Actions	Authorised officers updated to reflect name and position title changes.
2.17 Local Roads Classification & Maintenance	Typographical, grammar and updated names.
2.18 Private Pipes Under Roadways	Typographical, grammar and updated names.
2.20 Street Trees and Building Controls	Included in 2.44 Street Tree Policy.
2.22 Private Works	Typographical, grammar and updated names. Deleted letter included in (d) – use form
2.23 Riverina Noxious Weed Inspection Policy	Combined with Policy 2.24 Weed Management due to legislative change
2.24 Noxious Weeds Control	Combined with Policy 2.24 Weed Management due to legislative change
2.25 Bush Fire Operations	Typographical, grammar and updated names. Include DEES as authority.
2.26 Signs as Remote Supervision	Typographical, grammar and updated names.
2.27 Constructed Footpath Risk Management	Typographical, grammar and updated names.
2.29 Equipment Hire in Emergency Situations	Include DEES as authority.
2.30 Dust Suppression	Typographical, grammar and updated names.
2.40 Liquid Trade Waste	Typographical, grammar and updated names.
2.41 Rapid Response Plan for Noxious Weed Incursions	Policy includes mainly procedure and it is proposed to rescind the policy.
2.44 Street Trees	Combined with Policy 2.20 (duplication).
2.46 Keeping of Animals	Change 'should' into 'must' – to be consistent. Changes would aid enforcement.
2.47 Contaminated Land Management	Grammatical changes.

Several of the technical policies reviewed include no significant changes other than updating the policies to accord with current names, and minor grammatical and typographical changes. References to authorised officers have been updated to reflect staff changes and changes to the organisation structure since the policy was last reviewed.

Policy 2.23 Riverina Noxious Weed Inspection and Policy 2.24 Noxious Weed Inspection – The *Noxious Weeds Act 1993* was replaced by the *NSW Biosecurity Act 2015*. The proposed new Weed Management Policy covers the key areas of responsibility for noxious weeds as contained in the *NSW Biosecurity Act 2015*.

#### 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

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

Budget and Financial Aspects

Nil.

Attachments

1. Policy 2.10 Authority to Undertake Enforcement Actions
2. Policy 2.17 Local Roads Classification and Maintenance
3. Policy 2.18 Private Pipes Under Roadways
4. Policy 2.22 Private Works
5. Policy 2.24 Weed Management
6. Policy 2.25 Bush Fire Operations, Supply and Management of Equipment
7. Policy 2.26 Signs as Remote Supervision
8. Policy 2.27 Constructed Footpath Risk Management
9. Policy 2.29 Equipment Hire for Emergency Situations
10. Policy 2.30 Dust Suppression
11. Policy 2.40 Liquid Trade Waste
12. Policy 2.44 Street Trees
13. Policy 2.46 Keeping of Animals
14. Policy 2.47 Contaminated Land Management

**Recommendation:** That Council:

1. Adopts the following policies, as presented:
  - Policy 2.10 Authority to Undertake Enforcement Actions
  - Policy 2.17 Local Roads Classification and Maintenance
  - Policy 2.18 Private Pipes Under Roadways
  - Policy 2.22 Private Works
  - Policy 2.25 Bush Fire Operations, Supply and Management of Equipment
  - Policy 2.26 Signs as Remote Supervision
  - Policy 2.27 Constructed Footpath Risk Management
  - Policy 2.29 Equipment Hire for Emergency Situations
  - Policy 2.30 Dust Suppression
  - Policy 2.40 Liquid Trade Waste
  - Policy 2.44 Street Tree Policy
  - Policy 2.46 Keeping of Animals
  - Policy 2.47 Contaminated Land Management
2. Advertises Policy 2.24 Weed Management Policy for a period of 21 days,
3. Rescinds the following policies:
  - Policy 2.20 Street Trees and Building Control
  - Policy 2.23 Riverina Noxious Weed Inspection
  - Policy 2.41 Rapid Response Plan for Noxious Weed Incursions.

## Item 11 – Attachment 1: Policy 2.10 Authority to Undertake Enforcement Actions

### 2.10 Authority to Undertake Enforcement Actions

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POLICY TITLE: AUTHORITY TO UNDERTAKE ENFORCEMENT ACTIONS

FILE REF: E30-015

EXPIRY DATE: AUGUST 2023

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#### STATEMENT OF INTENT

Lockhart Shire Council has a considered approach to responding to unlawful activity.

This Policy aims to provide consistency in enforcement action in matters relating to health and safety, pollution, roads, animal control, food safety as well as environmental and development non-compliance and ensure natural justice principles are respected.

The Council acknowledges that it has an obligation under section 8A of the Local Government Act 1993 to ensure that in the exercise of its regulatory powers it acts fairly, ethically and without bias in the interests of the local community.

#### GENERAL PRINCIPLES

Council, in its approach to enforcement and in performing its regulatory functions, will have regard to the following principles:

- *Proportionality* – taking action that is reasonable and relates directly to the actual breach.
- *Consistency* – ensuring that similar issues are dealt with in the same way.
- *Transparency* – ensuring that what we do and why we do it is easily understood.
- *Helpfulness* – working with the business or individual to achieve compliance with the law by being approachable, courteous and efficient.
- *Openness* – by being open about the way we go about doing things.
- *Prioritising* – making sure that resources are targeted primarily on those whose activities give rise to the most serious risk.

#### OPTIONS FOR ACTION IN CONFIRMED CASES OF UNLAWFUL ACTIVITY

Council will consider a range of matters before taking regulatory action.

Regulatory action is any formal and informal action taken to prevent or rectify infringements of the legislation. The regulatory options will differ where different pieces of legislation are used, but the principles of application should remain constant.

Approaches to be considered without taking formal regulatory action include:

- Taking no action on the basis of no reliable evidence or other appropriate reason.
- Counselling the person who carried out an unlawful activity to educate them on the relevant requirements. Council acknowledges the role of educational initiatives to achieve compliance in some situations.
- Negotiating with the person who carried out the unlawful activity to obtain an undertaking from them to address the issues of concern arising from an investigation. For example, the submission of a section 96 application to modify consent.
- A letter requiring works to be carried out or works to cease, or other remedial action in lieu of more formal action i.e. a warning letter.
- Such action may be all that is required in minor breaches where no serious impacts have occurred.

When deciding whether to take an educative approach, consideration will be given to issues such as the level of contrition shown by the wrongdoer, whether they have previously been warned as a result of this or similar behaviour, and the level of intent shown.

Whilst these approaches recognise that Council may use discretion in the process, Council is also obliged to uphold the law, including compliance with relevant administrative law principles (for example: acting fairly and equitably), and to act in the public interest.

Where appropriate, a staged approach to ensure compliance will be adopted and in the first instance businesses and individuals will be given the opportunity to discuss and remedy the breach before action is taken, unless immediate action is required. Timeframes are to be specified in correspondence to ensure compliance within a reasonable timeframe.

**ENFORCEMENT ACTION**

Where the options outlined in Section 3 above are considered inappropriate in the circumstances, or have been pursued but proven unsuccessful, enforcement action will be taken.

The options outlined in Section 3 may be inappropriate in circumstances where warning letters have previously been issued but ignored, the wrongdoer is a repeat offender or the risk to health and safety warrants immediate action.

Enforcement action will be taken with a considered approach. Enforcement action includes:

- Issuing of Notices and Orders requiring compliance with legislative requirements or those of an environmental planning instrument.
- Commencement of criminal proceedings for an offence under legislation or alternatively issuing a Penalty Infringement Notice (PIN).
- Commencement of civil proceedings in a Court to either remedy or restrain unlawful activity.

**AUTHORISED PERSONS**

Section 377 (1) of the Local Government Act 1993 provides that a council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, except for the matters expressly excluded by the Act.

Section 378 (2) provides that the general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).

Council has previously resolved, pursuant to section 377 (1), to delegate authority to the General Manager to exercise all such powers, authorities, duties and functions as may be experienced by the Council under any Act other than:

In relation to any matter where the Mayor has directed the General Manager, in writing, not to exercise a delegated function and to refer the matter to Council for determination; and

Those functions that are required by Section 377 to be exercised only by the Council.

The General Manager has, pursuant to section 378 (2), sub-delegated authority under the following Acts to the respective employees:

<b>Employee</b>	<b>Acts</b>
Director Engineering and Environmental Services	Environmental Planning and Assessment Act 1979 Heavy Vehicle National Law Act 2012 Local Government Act 1993 Protection of the Environment Operations Act 1997 Roads Act 1993 Crown Land Management Act 2016
Manager Planning and Building Services	Companion Animals Act 1998 Environmental Planning and Assessment Act 1979 Food Act 2003 Impounding Act 1993 Local Government Act 1993 Plumbing and Drainage Act 2011 Protection of the Environment Operations Act 1997 Public Health Act 2010 Swimming Pools Act 1993
Compliance Officer	Companion Animals Act 1998 Environmental Planning and Assessment Act 1979 Impounding Act 1993 Local Government Act 1993 Protection of the Environment Operations Act 1997
Environmental Officer	Biosecurity Act 2015

*Confirmed by Council 17 August 2020  
Refer Minute No. XXX/20*

*Confirmed by Council 21 August 2017  
Refer Minute No. 186/17*

*Confirmed by Council 18 April 2017  
Refer Minute No. 74/17*

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

*Amendments adopted by Council – 15 May 2000  
Refer Minute No. 22204*

**Item 11 – Attachment 2: Policy 2.17 Local Roads Classification & Maintenance**

## 2.17 Local Roads Classification & Maintenance

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POLICY TITLE: LOCAL ROADS CLASSIFICATION & MAINTENANCE

FILE REF: R40-115

EXPIRY DATE: AUGUST 2023

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### OBJECTIVES

- i) To clearly classify roads within the Shire to achieve specified objectives.
- ii) To facilitate management of Council's road system by indicating priorities and preferences with a view to the limited funds available for road maintenance being expended in the most equitable and effective manner.

### POLICY STATEMENT

#### 1. CLASSIFICATION

That the Shire road system be classified on the following priority basis:

##### 1.1 RURAL

- a) Sealed Local Roads – these rural roads of strategic importance or carrying sufficient traffic volumes to warrant sealing. The objective is to achieve adequate maintenance whilst delaying for as long as possible the need to reconstruct.
- b) Class 1 Gravel Roads – being gravel roads which, as well as providing access to individual properties, form essential connecting links for “through” traffic or are otherwise of strategic importance. The objective is for these roads to be trafficable in all weather conditions recognising that it is not financially possible for these roads to be kept consistently in an “ideal” condition.
- c) Class 2 Gravel Roads - the objective for these roads is to be trafficable in the majority of weather conditions however, it is possible that water may cross the road in minor storm events and that the maintenance interval between treatments could be less than desired. Maintenance works should ensure that all causeways are gravelled.
- d) Earth Formed Roads - the objective is for earth formed roads to be trafficable in dry weather only however, gravelling of causeways may occur in problem areas. Installation of "dry weather road only" signs on these roads will be actively pursued.
- e) Fire Access - the objective for these roads is that they be trafficable during the bush fire season and only in dry weather.
- f) Unformed Roads - the objective for these roads is to rectify any drainage problems that may occur and the control of weeds.

##### 1.2 URBAN

- a) Sealed Streets - these streets are to be treated the same as sealed local roads.
- b) Unsealed Streets - these streets are to be treated the same as Class 1 Gravel Roads.
- c) Back Lanes - these are to be treated the same as Class 2 Gravel Roads.

##### 1.3 GENERAL

That the Council makes available appropriate maps of the Shire depicting these road classifications and that the classifications be reviewed annually in conjunction with consideration of the Council's Management Plan.

#### 2. MAINTENANCE

##### 2.1 FINANCIAL PRIORITIES

That priorities for local roads maintenance and construction expenditure be:

- a) Routine maintenance of sealed roads to maintain roads to accepted standards.



- b) The execution of all reseals and/or enrichments deemed necessary to maintain sealed roads in good order and minimise reconstruction needs. Generally seeking a maximum rural seal age of 12 years and urban seal age of 20 years.
- c) The shoulder grading on local sealed roads as necessary to maintain verges in good order and avoid loss of seal through edge break.
- d) The resheeting of Class 1 Gravel Roads, bitumen sealing of additional roads, and/or reconstruction of existing bitumen and/or Class 1 Gravel Roads as may be determined by Council from year to year.
- e) The routine maintenance, including re-gravelling of short sections where lower cost techniques will be inadequate, of Class 1 Gravel Roads.
- f) The maintenance of Class 2 Gravel Roads including gravelling of water crossing points and very slippery sections.
- g) The maintenance of the balance of the road system.
- h) That Council continue to accept (and even actively seek) private contributions towards the execution of road works not able to be otherwise funded, in particular such activities as gravelling and culvert construction on Class 2 Gravel and earth formed roads, and the forming of unconstructed roads but that care be taken to ensure that Council's meeting of its share of costs on any such works does not significantly affect established priorities on other roads.

## 2.2 TECHNICAL DETAILS

That, subject to such specific directives as Council may lay down, all road maintenance is to comply with relevant aspects of Transport for New South Wales Roads and other government policies and standards, recognised text and accepted sound practice in the industry. Rural roads maintenance will achieve the following:

- a) Trees – to maintain existing areas cleared of trees; to undertake an assessment of trees for removal from a road safety, construction standard and value of remnant vegetation perspective.
- b) Drainage – construction of wide flat table drains, to minimise soil erosion, rather than steep V-shaped ones where the terrain dictates. The clearing out of drains that have silted up over the years, returning any useable gravel to the road surface; and construction of adequate drains where previous ones were minimal. Mitre drains shall begin at the back of table drains.  

Any program of works on table drains should also include associated mitre drains and connections to and from works on private properties to the best advantage of landholders without significant detriment to the road system.
- c) Pavements – should have adequate crossfall and width should be selected for maximum long term economy but reasonable safety. This will generally result in bitumen roads being sealed seven (7) metres wide, Class 1 Roads graveled six (6) metres wide to a depth of 10mm, Class 2 Roads graveled five (5) metres wide but on a useable formation of about six (6) metres, and Earth Formation Roads being four (4) metres wide but with table drains useable by passing traffic in most seasons.
- d) Formation – formation of roads with inadequate crossfall should continue progressively. Desired formation is 4 to 6% crossfall maintained to inside edge of mitre drain with peak in centre of road. The rate of progress achieved on this activity from time to time will not only depend on financial and operational capacity, but also weather conditions and road user tolerance of poor conditions whilst such results are being progressively achieved, for example, rocks and dying grass being left on the pavement between forming and final finishing, which may be separated by periods of some weeks.
- e) Inspection – all roads are to be inspected before maintenance work to ensure compliance with financial priorities and maintenance standards.

## 3. MAINTENANCE STANDARDS

### 3.1 RURAL

- a) Sealed Local Roads – the maintenance objective for these roads is the undertaking of pothole patching, edge break repairs, crack sealing, heavy patching, shoulder grading, shoulder gravelling and reseals at the most optimum time so as to offset the need to reconstruct for as long as possible.
- b) Council's priority for maintenance of directional and advisory signs will also coincide with sealed roads.
- c) Class 1 Gravel Roads – the objective for these roads is to maintain a gravel depth of approximately 100mm for the entire length of the roadway and prevent water from crossing the road in minor storm events via reconstruction of appropriate drainage works. The maintenance of Class 1 Gravel Roads with poorer quality gravel may require several treatments with plant in any given year.

- d) Class 2 Gravel Roads – the objective for these roads is to be trafficable in the majority of weather conditions however, it is possible that water may cross the road in minor storm events and that the maintenance interval between treatments could be less than desired. Maintenance works should ensure that all causeways are gravelled.
- e) Earth Formed Roads – the objective is for earth formed roads to be trafficable in dry weather only, however, gravelling of causeways may occur in problem areas. Installation of “dry weather only” signs on these roads will be actively pursued.
- f) Fire Access – the objective for these roads is that they be trafficable during the bush fire season and only in dry weather.
- g) Unformed Roads – the objective for these roads is to rectify any drainage problems that may occur and the control of weeds.

### 3.2 URBAN

- a) Sealed Streets – these streets are to be treated the same as sealed local roads.
- b) Unsealed Streets – these streets are to be treated the same as Class 1 Gravel Roads.
- c) Back Lanes – these are to be treated the same as Class 2 Gravel Roads.

*Confirmed by Council 17 August 2020  
Refer Minute No. XXX/20*

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

*Amendments adopted by Council – 19 March 2001  
Refer Minute No. 22546*

**Item 11 – Attachment 3: Policy 2.18 Private Water Pipes Under Roadways**

## 2.18 Private Water Pipes Under Roadways

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POLICY TITLE: PRIVATE WATER PIPES UNDER ROADWAYS

FILE REF: R40-085

EXPIRY DATE: AUGUST 2023

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### OBJECTIVES

To avoid damage to Council road assets and associated problems and define responsibilities of Council and property owners in respect to the construction and maintenance of private water pipelines on or across roads.

### POLICY STATEMENT

#### 1. STANDARD CONDITIONS FOR NEW INSTALLATIONS

- (a) No water pipe should be laid through any drainage culvert or similar structure.
- (b) The section of pipe passing under the road formation shall be encased in a rigid conduit/pipe of not less than twice the diameter of the service pipeline diameter.
- (c) The pipes shall be laid at a depth of at least 450 mm (18") below the surface, except where it is outside the limits of the road formation, where a depth of 300 mm (12") is acceptable.
- (d) Any pipe crossing under a bitumen-sealed road should, if possible, be placed by boring or other means so as not to disturb the surface. However, in the event of approval being given for the surface to be opened, the restoration thereof must be undertaken by Council at the expense of the applicant. If a pipe is to cross under unsealed road, the road opening and restoration may be undertaken by the applicant but to the Council's satisfaction. However, Council reserves the right to carry out any or all the work at the applicant's expense.
- (e) Two signs bearing the letters WP are supplied with any permit and shall be erected by the permit holder where directed.
- (f) Council accepts no responsibility for any damage to persons and/or property by the pipe, its contents, or any activities relating to the construction or maintenance of the pipeline, nor does Council accept responsibility for damage to the pipe or its contents whether caused by Council's staff or other persons.
- (g) In the event of any damage to a road surface or other property of the Council being occasioned by the breakage of the pipeline or any associated cause, Council will require the owner of the pipeline to meet the full cost of restoration of the road pavement surface, or other property of the Council so damaged, with such work to be carried out by Council at its standard rates for private hire work.
- (h) A permit to the above effect must be obtained by any person wishing to carry out such work. Same, together with any necessary special conditions, may be issued by the Director Engineering and Environmental Services or delegate following receipt of a completed application form and payment of a fee as prescribed by Council's Management Plan.

#### 2. EXISTING INSTALLATIONS

- (a) In the absence of any proof by the person responsible for the pipeline that Council has granted permission for its construction under a public road on conditions more favourable than the current ones, Council's current conditions, as revised from time to time, will be applied to all existing pipelines so far as is practicable.
- (b) The above clause is not to be interpreted to require the replacement of any existing pipeline constructed in contravention of clauses a) to g) of the standard conditions whilst the existing pipeline continues to function in a manner satisfactory to its owner, the water supply authority and this Council.
- (c) The replacement of any existing pipeline is required to be carried out in conformity with all the above standard conditions but that no fee is charged for such replacement.
- (d) In the event of any future damage being occasioned to Council's road or other property by burst or leaking water services, and the persons responsible for same either being unable to be contacted immediately or failing to take immediate steps to minimise such damage, the Director Engineering and Environmental Services or delegate is authorised (where appropriate in conjunction with the water supply authority) to either shut off the flow of water, arrange for temporary or permanent repairs to be made, or take any other appropriate action to ensure the safety of Council's assets and the users thereof, and the costs of executing such work will be debited to the persons responsible for the pipeline.

*Lockhart Shire Council  
Ordinary Meeting – 17 August 2020*

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*Confirmed by Council 17 August 2020  
Refer Minute No. XXX/20*

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

*Amendments adopted by Council – 19 June 2000  
Refer Minute No. 22236*

**Item 11 – Attachment 4: Policy 2.22 Private Works – Charges for Works under Section 67**

## 2.22 Private Works – Charges for Works Under Section 67

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POLICY TITLE: CHARGES FOR WORKS UNDER SECTION 67, i.e. PRIVATE HIRE

FILE REF: P50-005

EXPIRY DATE: AUGUST 2023

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### OBJECTIVES

To ensure properly authorised utilisation of Council resources and plan as well as to establish liability for payment of debtor accounts thereby assisting with financial control.

### POLICY STATEMENT

- a) The client is solely responsible for any associated damages occasioned by the plant during the course of any private works projects, e.g. damage to water lines, electricity, Telstra or any building or property damage and the like are not the responsibility of the plant operator or Council.
- b) It is the responsibility of the client to familiarise himself with the capacity and capability of any plant requests and its suitability to execute the particular work proposed. Furthermore, the applicant shall, as necessary, organise, supervise and explain all proposed works to Council's representative so that such works can proceed with all possible efficiency and expedition.
- c) Charges at full rates shall be based on time from depot, campsite or previous/next job (whichever is the closest) and return, including unproductive waiting time occasioned by the client but shall not include:
  - (i) Plant servicing or breakdown time;
  - (ii) Staff travelling time to and from campsite, etc. except where the work is outside Council's area or otherwise involves abnormal travelling, when such time shall be charged at transport vehicle (and extra labour only, if appropriate) rates.
- d) Charges are on an hourly basis including operator and will be levied on the basis of minimum hire per unit of one half hour, except in special circumstances as may be approved in advance by the Director Engineering and Environmental Services or delegate. Hire for periods in excess of one hour shall be charged on the basis of proportionate half hourly increments. A minimum charge as determined by Council in its Annual fees and Charges will apply to all private works.
- e) Plant is only made available for hire when operated by authorised Council employees. All payments to operators shall be made by Council, which will levy all charges for work undertaken.
- f) Whilst efforts will be made to provide services to suit individual customers, the needs of the community at large must receive preference over works of this nature which will therefore be undertaken at the convenience of the Council and as directed by the Director Engineering and Environmental Services or his representative and further
- g) The rates to apply for each year of operation will be as fixed and adopted by Council in conjunction with consideration of annual revenue policy within its Management Plan and at such other time as Council shall see fit to amend or vary such charges.

*Confirmed by Council 17 August 2020  
Refer Minute No. XXX/20*

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

*Amendments adopted by Council – 23 April 2001  
Refer Minute No. 22610*

**Item 11 – Attachment 5: Policy 2.24 Weed Management**

## 2.24 Weed Management

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POLICY TITLE: WEED MANAGEMENT

FILE REF: N10-035

EXPIRY DATE: AUGUST 2023

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### PURPOSE OF POLICY

To control the impact of all listed priority weeds on the community, industry, environment, and economy within the Lockhart Shire Council area.

### SCOPE

The control of weeds in NSW is specified by the *NSW Biosecurity Act 2015* (the Act). This policy has been developed to set out the actions required by land managers or occupiers to fulfil their obligations under the Act within the Shire boundaries including but not limited to:

- Lockhart Shire Council
- Private land owners and/or occupiers
- Public authorities.

### BACKGROUND

This policy has been developed to set out the actions and procedures required by land managers to fulfill their obligations under the Act.

### POLICY

1. Obligations

Council's focus is to control priority weeds in agricultural areas, high risk pathways and sites.

Council is responsible for implementing the Act within its area as follows:

- Responsibility for the control of priority weeds by occupiers of land (other than public authorities or local control authorities),
- Control of priority weeds on land owned or occupied by the local control authority and on certain roads and watercourses, rivers or inland waters as provided by the Act,
- To ensure, so far as practicable, that owners and occupiers of land (other than public authorities or other local control authorities) carry out obligations to control priority weeds imposed under the Act,
- To develop, implement, co-ordinate and review weed control policies and weed control programs,
- Inspection of land within the local area in connection with its weed control functions,
- To report, at the request of the Minister, on the carrying out of the local control authority's functions under the Act,
- To co-operate with local control authorities of adjoining areas to control priority weeds, where appropriate,
- Any other functions that are conferred or imposed on the local control authority by or under the Act.

2. Supporting Documentation

The control of weeds in NSW is specified by the Act and associated regulations. Lockhart Shire Council has obligations under the Act as a landholder, and as a Local Control Authority.

3. Definitions

Definitions used in Biosecurity legislation and associated documentation shall apply.

Authorised Officer: A person who is appointed as an authorised officer under this Act and authorised by that appointment to exercise the function in relation to which the expression is used.

**Biosecurity Impact:** A biosecurity impact means an adverse effect on the economy, the environment or the community that arises, or has the potential to arise, from biosecurity matter, a carrier or dealing with biosecurity matter or a carrier, being an adverse effect that is related to:

- The introduction, presence, spread or increase of a disease or disease agent into or within the State or any part of the State, or
- The introduction, presence, spread or increase of a pest into or within the State or any part of the State, or Stock food or fertilisers, or
- Animals, plants, or animal products becoming chemically affected, or
- Public nuisance caused by bees, or a risk to public safety caused by bees or non-indigenous animals, or
- Anything declared by the regulations to be a biosecurity impact.

**Biosecurity Matter:** Biosecurity matter is:

- Any living thing, part of a living thing or product of a living thing (other than a human),
- A disease, prion or contaminant, or
- A disease agent that can cause disease in a living thing (other than a human) or that can cause disease in a human via transmission from a nonhuman host (i.e. zoonosis).

**Biosecurity Undertaking:** An Authorised Officer may accept undertakings as follows:

- An Authorised Officer may accept a written undertaking (a Biosecurity Undertaking) given by a person if the person has contravened or the authorised officer suspects that the person has contravened or is likely to contravene a requirement imposed by the Act.
- An Authorised Officer may accept a biosecurity undertaking from a person instead of giving the person a Biosecurity Direction.
- The giving of an undertaking does not constitute an admission of guilt by the person giving it in relation to the contravention, suspected contravention, or likely contravention to which the undertaking relates.
- A Biosecurity Undertaking must specify:
  - The contravention, suspected contravention, or likely contravention to which the biosecurity undertaking relates, and
  - The measures that the person has agreed to implement to remedy or prevent the contravention, suspected contravention, or likely contravention,
  - The period or periods by the end of which the measures must be implemented.

**Carrier:** A carrier means anything (whether alive, dead, or inanimate, and including a human) that has, or can have, any biosecurity matter on it, attached to it or contained in it.

**General Biosecurity Direction:** An Authorised Officer may give a General Biosecurity Direction to the public generally or to a specified class of persons, if the officer reasonably believes it is necessary to do so for any of the following purposes:

- To prevent, eliminate or minimise a biosecurity risk
- To prevent, manage or control a biosecurity impact that has occurred, is occurring or is likely to occur
- To enforce, administer or execute the Act (including any instrument made under the Act).

**Individual Biosecurity Direction:** An Authorised Officer may give an Individual Biosecurity Direction to a person if the officer reasonably believes it is necessary to do so for any of the following purposes:

- To prevent the person from contravening or continuing to contravene a requirement imposed by or under the Act,
- To prevent, eliminate or minimise a biosecurity risk
- To prevent, manage or control a biosecurity impact that has occurred, is occurring or is likely to occur
- To enforce, administer or execute the Act (including any instrument made under the Act).

*Adopted by Council 17 August 2020  
Refer Minute No. XXX/20*

**Item 11 – Attachment 6: Policy 2.25 Bush Fire Operations, Supply & Management of Equipment**

## 2.25 Bush Fire Operations, Supply & Management of Equipment

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POLICY TITLE: BUSH FIRE OPERATIONS, SUPPLY & MANAGEMENT OF EQUIPMENT

FILE REF: B35-030

EXPIRY DATE: AUGUST 2023

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### OBJECTIVES

To define, in conformity with the requirements of the *Rural Fires Act 1993* Council Service Level Agreement with the Rural Fire Service and the Council's financial means, a policy on the operation of local area bush fire brigades including responsibility for operational expenses and the provision of all equipment including personal protective equipment, tankers, maintenance of equipment, tanks, radios, slip-on units, Transport for NSW inspections and all other miscellaneous equipment.

### POLICY STATEMENT

That, having regard to the policies of the NSW State Government in funding arrangements through the Rural Fire Fighting Fund, and in an endeavour to provide local area brigades with sufficient resources to meet identified fire threats and further to clarify arrangements for the supply of said resources and responsibilities for meeting operational costs, the Commissioner NSW Rural Fire Services under the Service Level Agreement will cause formulation of estimates for the consideration of the liaison Committee and subsequently Council, which estimates permit the utilisation of any resource for bushfire operation, provided total expenditure in any financial year is in keeping with Council's predetermined contributions towards said operations.

In addition, the following policy directions will apply:

1. Tanker Vehicles
  - 1.1. That each brigade be issued with no more than two (2) "funded" tanker vehicles (or Standards of Fire Cover identified equivalent) provided in the case of a brigade area having a significant urban property protection role the number of "funded" vehicles may not exceed three (3).
  - 1.2. That tanker vehicles purchased through the Fund and vested in Council be wholly serviced and maintained by the Council with such costs to be recouped by allocation to the Fund.
  - 1.3. That the cost of fuel for operation in all circumstances will be borne by the Council and charged to the Rural Fire Fighting Fund, where provided for in annual Rural Fire Fighting Fund estimates provisions. Should the annual allocation through the Rural Fire Fighting Fund be insufficient then it would be incumbent on brigades to fund any shortfall.
  - 1.4. That it shall be the responsibility of the brigade to which the vehicle is issued to inform the Fire Control Officer of any needed service or repair and to deliver the vehicle to Council's workshop at Reid Street, Lockhart at or before the appointed time to enable such service and repairs to be carried out. It will be the responsibility of the brigade to liaise with the Fire Control Officer and collect the vehicle from the Council Depot/Workshop after completion of any service/repair work.
  - 1.5. Assessment of service and/or repairs necessary to maintain a vehicle in compliance with Rural Fire Service standards will be undertaken by Lockhart Shire Council and in the event of any dispute the issue will be determined by the Director Engineering and Environmental Services or delegate. Lockhart Shire Council will be responsible for arranging the carrying out of approved service/repair of any funded vehicle, whether conducted in-house or by external providers.
  - 1.6. Each tanker would be equipped with a minimum of five (5) complete sets of Personal Protective Equipment including overalls, turnout coats, helmets, boots, goggles, face masks, etc. as is required. This would therefore equip the standard crew for a tanker with sufficient Personal Protective Equipment.
  - 1.7. A full set of miscellaneous equipment including bolt cutters, storz tools, torches, lanterns, knapsacks, kelly tools, hoses, nozzles, radios, etc. would also be fully funded and provided by Council for each tanker vehicle in accordance with Standards of Fire Cover recommendations and service standards.



- 1.8. Quick fill pumps, small trailers to transport quick fill pump units, batteries, flashing lights and associated equipment to complement tankers would continue to be supplied through the Fund as priority equipment depending on total bids in any financial year. These items will be funded and maintained as per tankers.
  
2. Equipment - Other
  - 2.1. Miscellaneous pumps, slip-on units, tanker trailers, etc. would be considered a low priority and would be issued in accordance with assessed need by Council having regard to recommendations of the liaison committee and taking into account overall priorities and available funding.
  - 2.2. Council would endeavour to keep a stock of storz spanners, nozzles, and hoses, etc. in store for distribution to brigades on a needs basis as assessed by the Fire Control Officer for tanker trailers, pumps, slip-on units, etc. still in service.
  - 2.3. Council would not be responsible for the maintenance of any of the miscellaneous equipment including pumps, tanker trailers, slip-on units, including the payment for pink slips or for maintenance of brigade owned units, private trailers, etc. with all costs to be met by the individual brigade or private owner.
  - 2.4. Radios and other communication equipment supplied through the Fund and situated in other than Rural Fire Service vehicles, i.e. Captains, Deputy Captains, etc. would continue to be fully maintained and funded by the Fund.
  - 2.5. That Council and brigades acknowledge the Rural Fire Service Directive that small pumps and trailer units basically designed for farm management practices, are a land owner responsibility and that the resources of the Rural Fire Fighting Fund should be directed to strategic bush fire management across the Shire.
  - 2.6. Council will endeavour to provide sufficient brigade stations with brigade, community, Rural Fire Fighting Fund financial support to ensure that all tanker vehicles and associated miscellaneous equipment are housed appropriately.
  - 2.7. Council will endeavour to issue all its active firefighters who are completing or assessed as having undertaken appropriate and recommended training to the level of Basic Firefighter, with sufficient Personal Protective Equipment including one pair of overalls only (a replacement pair would only be issued on presentation of the damaged garment at the discretion of the Fire Control Officer), goggles, face masks, gloves, helmets, as are required to minimise the health and safety risks associated with firefighting operations.
  - 2.8. Council will allow through the utilisation of budget provisions, creation of a cash reserve, as a source of finance to pay for occasional hiring of heavy or specialised plant for use at fire incidents other than declared emergencies, where such hiring is deemed necessary by the Fire Control Officer.
  - 2.9. That the Mayor, Deputy Mayor, General Manager or Director of Engineering & Environmental Services may authorise external plant hire.

*Confirmed by Council 17 August 2020  
Refer Minute No. XXX/20*

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

*Reviewed by Council – 21 August 2006  
Refer Minute No. 270/06*

**Item 11 – Attachment 7: Policy 2.26 Signs as Remote Supervision**

## 2.26 Signs as Remote Supervision

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POLICY TITLE: SIGNS AS REMOTE SUPERVISION

FILE REF: R40-075

EXPIRY DATE: AUGUST 2023

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### OBJECTIVES

To provide guidelines for ensuring that Council and staff comply with the Best Practice Manual – Signs as Remote Supervision issues by Statewide Mutual and establish a simple, systematic and readily useable system to determine signage requirements for facilities such as reserves, parks, and pools, which are owned and/or operated by Council, or under the care and control of Lockhart Shire Council.

### POLICY STATEMENT

The policy titled “Signs as Remote Supervision” has been prepared to ensure that Lockhart Shire Council has clear and concise directions as to the location, content and frequency of signs and to minimise public liability exposure emanating from the provision of services to the community.

Signs play an important role in advising, directing and warning members of the public of inherent dangers in the environment in which they are operating. Lockhart Shire Council has prepared a set of procedures based on current best practice to assist with this.

1. INSPECTION

Council will conduct inspections of all its reserves and pools in accordance with the “Signs as Remote Supervision” procedures. This inspection program is the responsibility of the Director Engineering and Environmental Services or delegate.

2. ASSESSMENT

Council will assess the findings of the inspection program by using the analysis tool set out in the “Signs as Remote Supervision” procedures. This assessment is the responsibility of the Director Engineering and Environmental Services or delegate.

3. CONTROLS

- (a) Council will endeavour, at all times, to follow the order for risk as set out below:
- (b) eliminate the risk
- (c) reduce the risk
- (d) accept the risk

by using the techniques set out in the “Signs as Remote Supervision” procedures.

Implementation of controls is the responsibility of the Director Engineering and Environmental Services or delegate.

4. MONITORING

Lockhart Shire Council will monitor the results of the program by using the procedure set out in the “Signs as Remote Supervision” procedures. Implementation of monitoring is the responsibility of the Director Engineering and Environmental Services or delegate.

5. ALLOCATED RESOURCES

Council will allocate sufficient human and financial resources to conduct annual inspections, assess and implement appropriate controls for the implementation of the policy and procedures.

6. DURATION AND REVIEW

This policy will come into effect on and from 1<sup>st</sup> October 2000. This policy will be reviewed at least every three years from the date of adoption.

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

*Adopted by Council – 18 September 2000  
Refer Minute No. 22351*

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CHAIRPERSON

**Item 11 – Attachment 8: Policy 2.27 Constructed Footpath Risk Management**

## 2.27 Constructed Footpath Risk Management

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POLICY TITLE: CONSTRUCTED FOOTPATH RISK MANAGEMENT

FILE REF: R40-045

EXPIRY DATE: AUGUST 2023

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### OBJECTIVES

To establish a simple, systematic and readily useable footpath inspection program for maintaining constructed footpaths in the Lockhart Shire Council area, to minimise the incidence of injury to pedestrians and furthermore to establish a strategy of regular and routine inspections to demonstrate due diligence.

### POLICY STATEMENT

The policy titled “*Constructed Footpath Risk Management Policy*” has been prepared to comply with the *Best Practice Manual – Footpaths, Nature Strips and Medians* issued by Statewide Mutual and provide guidelines for ensuring Councils constructed footpaths are properly maintained and repaired.

Pedestrian safety has in the past been perceived as a complex issue, which in part arises from the highly variable nature of their physical characteristics; this is exacerbated by the dynamic nature of pedestrian behavioural and attitude patterns. Councils have limited resources and cannot repair or remedy all low risk hazards.

Council has considered these variables in determining the risk management procedures outlined in this *Constructed Footpath Risk Management Policy* and the associated procedure entitled “*Standard Operating Procedure for Maintenance and Repair of Constructed Footpaths*”.

#### Identification

The identification of footpath defects is brought to Councils attention through inspections and written and verbal requests.

Inspections are to be carried out on all constructed footpaths at the time and using the procedure outlined in the *Standard Operating Procedure for Maintenance and Repair of Constructed Footpaths*.

Implementation of this inspection program is the responsibility of the Director Engineering and Environmental Services or delegate.

#### Assessment

Risk ratings are determined using the *Standard Operating Procedure for Maintenance and Repair of Constructed Footpaths*.

#### Control

The control and response time is determined using the *Standard Operating Procedure for Maintenance and Repair of Constructed Footpaths*.

The defects identified shall be remedied as soon as possible having regard to the risk rating, available resources and the footpath area use.

#### Duration and Review

This Policy will come into effect on and from date of adoption by the Council.

*Confirmed by Council 17 August 2020  
Refer Minute No. XXX/20*

*Adopted by Council – 18 December 2000  
Refer Minute No. 22461*

**Item 11 – Attachment 9: Policy 2.29 Equipment Hire for Emergency Situations**

## 2.29 Equipment Hire for Emergency Situations

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POLICY TITLE: EQUIPMENT HIRE FOR EMERGENCY SITUATIONS

FILE REF: E23-010

EXPIRY DATE: AUGUST 2023

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### OBJECTIVES

To assist in the provision of emergency response activities within the Shire.

### POLICY STATEMENT

That the Mayor, Deputy Mayor, General Manager or Director of Engineering & Environmental Services be authorised to approve the hire of external plant and equipment, and/or use of Council resources, to assist in the provision of emergency response and management within the Shire, beyond its effective obligations.

Such assistance shall be made available at the discretion of the Mayor, Deputy Mayor, General Manager or Director of Engineering & Environmental Services and generally upon request from a senior incident controller of a responsible emergency response agency.

Where such assistance is provided, Council may choose to seek subsequent reimbursement of any expenses incurred where such avenues are available.

*Confirmed by Council 17 August 2020  
Refer Minute No. XXX/20*

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

*Adopted by Council – 15 May 2006  
Refer Minute No. 156/06*

## Item 11 – Attachment 10: Policy 2.30 Dust Suppression

### 2.30 Dust Suppression

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POLICY TITLE: DUST SUPPRESSION

FILE REF: R40-015

EXPIRY DATE: AUGUST 2023

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#### OBJECTIVES

To provide a documented framework and guidance mechanism to enable public application, and Council assessment and financial assistance towards requests for dust sealing works on unsealed public roads within the Lockhart Shire.

#### POLICY STATEMENT

This policy applies to requests received by Council, concerning occupied residential dwellings situated within 100m of an unsealed gravel road of which council is the Authority. It relates to the possible periodic allocation by Council of funding assistance towards the cost of upgrading and sealing sections of unsealed road lengths. Such treatment being for the purpose of reducing nuisance dust, generated by passing vehicular traffic.

To provide relief and assistance to local residents suffering the adverse effects of dust from unsealed roads, Council may make provisions available within its annual budget to fund up to half the cost of sealing short sections of roadway adjacent such properties. Residents seeking to undertake such sealing works and wishing to avail themselves of Council's financial assistance towards the costs, shall be required to provide such request to Council. All requests must be received in writing and shall include a firm commitment by the proponent to meet at least half the cost of the requested works.

Council will maintain a register of all requests received throughout the year, from eligible applicants. All such applications received during the year or previous years will then be considered by Council during the deliberation and development of its annual management plan. The relative priority and funding merit of applications will be assessed by Council using the following criteria:

1. Number of affected residences within proximity
2. Direction from the road/prevaling winds
3. Distance from dwelling to the road
4. Road traffic volumes
5. Road classification
6. Health issues.

Based upon this assessment process, and with due consideration of its overall budgeting constraints, a determination will be made as to which if any applications will be financially assisted by Council.

Notwithstanding the above assistance policy, Council will endeavour to allow the private undertaking of sealing and/or other dust suppressant activities on roads under its control, to assist affected property owners meet the above objectives. This being provisional upon all such undertakings receiving the prior written approval of Council's Director Engineering and Environmental Services or delegate with regards the type of treatment to be used and the method in which the works are to be undertaken.

*Confirmed by Council 17 August 2020  
Refer Minute No. XXX/20*

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

*Adopted by Council – 19 June 2006  
Refer Minute No. 186/06*

**Item 11 – Attachment 11: Policy 2.40 Liquid Trade Waste**

## 2.40 Liquid Trade Waste

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POLICY TITLE: LIQUID TRADE WASTE

FILE REF: W05-035

EXPIRY DATE: AUGUST 2023

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### OBJECTIVES

To ensure that suitable and practical measures are implemented to ensure that liquid trade waste entering the sewerage drainage system is regulated appropriately.

### POLICY STATEMENT

#### PURPOSE

The policy governs the approval and administrative processes, including the levying of appropriate fees and charges, for liquid trade wastes discharged into Council's sewerage system.

It has been developed to ensure the proper control of liquid trade waste discharged to the sewerage system and hence protection of public health, worker safety, the environment and Council's sewerage system. The policy also promotes waste minimisation and water conservation.

#### SCOPE

This policy and associated procedure covers all aspects of approving and administering trade waste discharges into Council's sewerage system, and includes the levying of appropriate fees and charges.

The associated procedure itself follows a general format required by the NSW Department of Water and Energy (DWE) and consists of the following sections:

- Introduction
- Exemptions
- Criteria for approval to discharge
- Matters relating to trade waste approvals
- Application form and current fee structure
- Glossary of terms

#### CONTENT

The associated procedure itself covers the following:

- Outlines what commercial businesses are exempt from the requirement to apply for approval for liquid trade waste discharge to the sewerage system;
- Provides guideline limits for various parameters;
- Outlines the process for applications to discharge liquid trade waste to the sewerage system;
- Details items that may form part of an approval;
- Clarifies the types of concurrence classifications used;
- Clarifies the types of charging categories;
- Details the various charges and how they are determined for each charging category and who is responsible for their payment;
- Elaborates on non-compliance charges and penalties;
- Elaborates on testing requirements;
- Discusses approval agreements to discharge liquid trade waste;
- Clarifies the requirements for installation and connection of trade waste facilities;
- Outlines the requirements for the prevention of wasting water;
- Discusses effluent improvement and due diligent programs and contingency plans;

- Provides details of an application form and current fee structure; and
- Provides a glossary of terms of the various terminology used in the document.

This policy will be reviewed when required to cater for legislative changes and changes to the DWE “Trade Waste Guidelines”.

#### PURPOSE

The policy governs the approval and administrative processes, including the levying of appropriate fees and charges, for liquid trade wastes discharged into Council’s sewerage system.

It has been developed to ensure the proper control of liquid trade waste discharged to the sewerage system and hence protection of public health, worker safety, the environment and Council’s sewerage system. The policy also promotes waste minimisation and water conservation.

The purpose of this policy is related to the approval and administrative processes, including the levying of appropriate fees and charges, for liquid trade wastes discharged into Council’s sewerage system.

It has been developed to ensure the proper control of liquid trade waste discharged to the sewerage system and hence protection of public health, worker safety, the environment and Council’s sewerage system. The policy also promotes waste minimisation and water conservation.

#### SCOPE

This procedure covers all aspects of approving and administering trade waste discharges into Council’s sewerage system, and includes the levying of appropriate fees and charges.

The procedure itself follows a general format required by the NSW Department of Water and Energy (DWE) and consists of the following sections:

- Introduction
- Exemptions
- Criteria for approval to discharge
- Matters relating to trade waste approvals
- Application form and current fee structure
- Glossary of terms

#### INTRODUCTION

A major objective of any Trade Waste Policy is to ensure that present and future treatment and transporting capacity is better matched to domestic and industrial sewage flows so that Council’s sewerage system, worker’s health and safety and the environment is protected from any discharges of waste that may cause detrimental effect.

Sewerage systems are primarily designed for sewage volumes and strengths typical of normal household discharges. Hence the cost of transportation and treatment can be apportioned relatively simply for domestic properties.

However, due to the variability in volume and composition of industrial and some commercial wastes, difficulty can be experienced in assessing their relative load on the sewerage system.

This difficulty can be overcome by quantifying the usage of the sewerage system for domestic, commercial and industrial dischargers and assessing the characteristics of their discharges. Charges can then be weighted and levied accordingly. The Trade Waste Policy and its associated procedure has been devised to formalise and legalise their application within Lockhart Shire Council area.

Trade Waste for the purpose of this policy is defined as all liquid waste other than sewage of a domestic nature.

This policy prohibits the discharge of wastes that are:

- unacceptable to the NSW Department Water and Energy (DWE) and/or the NSW Department Environment and Climate Change (DECC), e.g. PCB’s or dioxins; and
- untreatable at the Wastewater Treatment Works because of their nature and/or quantity, or are likely to cause odour or operational problems.

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Council's responsibility and authority to regulate trade wastes derives from New South Wales State Government Legislation namely, the *Local Government Act 1993*. Council's approval for industries to discharge trade waste to the sewer is required. The procedure for approval is governed by the *Local Government Act 1993* and its *Regulations*.

The Local Government (General) Regulation 2005 effectively states that concurrence to Council's approval must be obtained from the DWE for discharges depending upon whether concurrence for local approvals has or has not been gained. In accordance with the *Local Government Act 1993* waste must not be discharged to sewer unless Council has approved the discharge, either by way of its automatic assumed concurrence or by way of concurrence obtained from the DWE.

Generally industrial and trade waste discharges to the sewer, with substances within the acceptance limits specified in this policy will be accepted to sewer. Each waste stream will be examined to ensure:

- that the system has the capacity to accept it;
- that it does not create any hazards in the system; and
- that necessary procedures are in place at the source to ensure the discharge will be consistent with its relevant trade waste application and its approval conditions.

The Trade Waste charges levied reflect the cost to Council of transporting and treating the waste and are designed to encourage users to comply with set standards and to install and maintain suitable pre-treatment facilities necessary to meet these standards.

#### EXEMPTIONS

Local policy exemptions apply from the requirement to obtain Council's approval for the disposal of trade waste into the Council's sewer.

TABLE 1 – EXEMPTIONS

This table lists commercial business activities that the Director-General, DWE has consented to an exemption from the requirement to apply for approval for liquid trade waste discharge to the sewerage system. Each such business must meet the standard requirements specified below.

ACTIVITY	REQUIREMENTS
Beautician	Nil (see Note 5).
Bed and Breakfast (not more than 10 persons including proprietor)	Sink strainers in food preparation areas. Housekeeping practices (see Note 4).
Community Hall (minimal hot food)	Sink strainers in food preparation areas. Housekeeping practices (see Note 4).
Day Care Centre (no hot food prepared)	Sink strainers in food preparation areas. Housekeeping practices (see Note 4).
Delicatessen (no hot food prepared)	Sink strainers in food preparation areas. Housekeeping practices (see Note 4).
Dental Technician (no X-ray)	Plaster arrestor required.
Doctor's Surgery (plaster casts, no X-ray)	Plaster arrestor required.
Dog/cat groomer/salon	Floor waste basket and sink strainer required (see Note 3). No organophosphorus pesticides may be discharged to sewer.
Florist	Floor waste basket and sink strainer required. No herbicides/pesticides may be discharged to sewer.
Fruit and vegetable – retail	Floor waste basket and sink strainer required (see Note 3).
Funeral Parlour	Floor waste basket required. Formaldehyde is not to be discharged to the sewer.
Hairdresser	Floor waste basket (if installed) and sink strainer (see Note 5).
Jewellery shop <i>miniplate</i> <i>ultrasonic washing</i> <i>precious stone cutting</i>	Miniplate vessel to contain no more than 1.5 litres of precious metal solution. Nil If: < 1000 litres per day plaster arrestor required then > 1000 litres per day general purpose pit required.



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ACTIVITY	REQUIREMENTS
Mixed business (minimal hot food)	Floor waste basket and sink strainer required (see Note 3). Housekeeping practices (see Note 4).
Mobile cleaning units <i>carpet cleaning</i> <i>garbage bin washing</i>	20 micron filtration system fitted to a mobile unit. Floor waste basket required. Discharge is via grease arrestor (if available).
Motel (no hot food prepared and no laundry facility)	Floor waste basket and sink strainer required (see Note 3). Housekeeping practices (see Note 4).
Nutshop	Floor waste basket and sink strainer required (see Note 3).
Optical Service – retail	Solids settlement tank/pit required.
Pet shop – retail	Floor waste basket and sink strainer required (see Note 2).
Pizza reheating for home delivery	Housekeeping practices (see Note 4).
Sandwich Shop, Salad Bar, Coffee Shop (no hot food prepared)	Floor waste basket and sink strainer required (see Note 3). Housekeeping practices (see Note 4).
Venetian blind cleaning	Nil (see Note 2).

Notes:

1. Where “required” is used it means as required by Council.
2. If activity is conducted outdoors, the work area is to be roofed and bunded to prevent stormwater ingress into the sewerage system.
3. All drainage from floors in food preparation areas is required to pass through a floor waste basket.
4. Food preparation activities need to comply with sound housekeeping practices including:
  - Floor must be dry swept before washing.
  - Pre-wiping of all utensils, plates, bowls etc. to the scrap bin before washing up.
  - Use of a food waste disposal unit is not permitted.
5. This activity is monitored/charged by Council’s Environmental Health Section.

CRITERIA FOR APPROVAL TO DISCHARGE

Guideline Limits

TABLE 2 - GUIDELINE LIMITS

PARAMETER	LIMIT
General	
pH Range	7 to 9 pH units
Temperature	38°C
Suspended Solids (SS)/Non-Filterable Residue (NFR)	600 mg/L
Biochemical Oxygen Demand at 5 days (BOD <sub>5</sub> )	600 mg/L
Chemical Oxygen Demand (COD)	Normally not to exceed 3 x BOD <sub>5</sub> .
Total Dissolved Solids (TDS)	2000 mg/L
Oil and Grease (O&G)	100 mg/L
Detergents (as MBAS)	50 mg/L
Odour	Not detectable in 1% solution or causing an odour problem in Council’s Sewerage System.
Colour	Not to be discernible in treatment works discharge.
Radioactive Substances	Comply with the ‘Radiation Control Act’.
Metals	

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PARAMETER	LIMIT
Aluminium	100 mg/L
Arsenic	1 mg/L
Barium	2 mg/L
Cadmium	1 mg/L
Chromium (Total)	3 mg/L
Cobalt	5 mg/L
Copper	5 mg/L
Iron	50 mg/L
Lead	2 mg/L
Manganese	10 mg/L
Mercury	0.02 mg/L
Molybdenum	10 mg/L
Nickel	5 mg/L
Selenium	5 mg/L
Silver	2 mg/L
Tin	5 mg/L
Zinc	5 mg/L
Organic Compounds	
Formaldehyde (as HCHO)	50 mg/L
Petroleum hydrocarbons (non-flammable)	30 mg/L
Phenolic Compounds (except pentachlorophenol)	10 mg/L
Benzene	0.1 mg/L
Petroleum Hydrocarbons (non-flammable)	30 mg/L
Polyaromatic Hydrocarbons (PAHs)	5 mg/L
Benzene, Toluene, Ethylbenzene, Xylene (BTEX)	1 mg/L
Pesticides (general)	0.1
Organophosphates	Nil
Organochlorines	Nil
Herbicides	Nil
Inorganic Compounds and other limited Substances	
Ammonia (as N)	50 mg/L
Boron	25 mg/L
Bromine	5 mg/L
Chlorine	10 mg/L
Cyanide	1 mg/L
Fluoride	20 mg/L
Nitrogen (kjeldahl)	50 mg/L
Total Phosphorus (as P)	10 mg/L
Sulphate (as SO <sub>4</sub> )	100 mg/L
Sulphide (as S)	1 mg/L
Sulphite (as SO <sub>3</sub> )	15 mg/L

Acceptance of chemical toilet waste that contains formaldehyde will be assessed on the available dilution in the sewerage system.

Substances Excluded from Sewers

TABLE 3 - SUBSTANCES PROHIBITED FROM BEING DISCHARGED  
INTO THE SEWERAGE SYSTEM

Organochlorine weedicides, fungicides, pesticides, herbicides and substances of a similar nature and/or wastes arising from the preparation of these substances;
Organophosphorus pesticides and/or waste arising from the preparation of these substances;
Any substances liable to produce noxious or poisonous vapours in the sewerage system;
Organic solvents and mineral oil;
Any flammable or explosive substance;
Discharges from 'Bulk Fuel Depots';
Chromate from cooling towers;
Natural or synthetic resins, plastic monomers, synthetic adhesives, rubber and plastic emulsions;
Rain, surface, seepage or subsoil water, unless specifically permitted;
Solid matter;
Any substance assessed as not suitable to be discharged into the sewerage system;
Waste liquids that contain pollutants at concentrations which inhibit the sewage treatment process – refer <i>Guidelines for Sewerage Systems: Acceptance of Trade Waste (Industrial Waste)</i> (ARMCANZ/ANZECC, 1994); and
Any other substances listed in a relevant regulation.

Use of Additives in Pre-treatment Systems

Council does not allow solvents, enzymes, bio additives, and odour control agents to be used in pre-treatment systems (except neutralising chemicals designated for the pre-treatment) except by specific written application and subsequent approval.

MATTERS RELATING TO TRADE WASTE APPROVALS

1 Applications to Discharge Trade Waste

Applications to discharge trade waste into the sewerage system shall be made on the Trade Waste Application form, available from Council, accompanied by all supporting plans and other information as required by Council or the DWE.

The limits of acceptance of trade wastes into sewer are as set down in this policy, which is adopted from DWE guidelines. These limits are as detailed in Section 5 of this document and are subject to periodical review.

The application approval process is dependent upon the type of trade waste discharges and these are grouped into one of three "concurrency classifications".

The initial application may require additional information during the assessment phase for Council to make proper assessment and determination.

2 Type of Concurrency Classification

This Council policy/procedure has adopted the DWE "Liquid Trade Waste Management Guidelines 2005" methodology of grouping trade waste discharges into three classifications for the application/approval process for liquid trade waste installations.

This is the "concurrency" classification, which is distinct from the three charging categories, which are detailed in Fees and Charges for Trade Waste, (Section 6.4).

2.1 Concurrency Classification A

This classification is where the Council has been given delegated authority from DWE to approve any applications that fall in this classification. This type of approval does not require Council to forward the application to DWE prior to approval being given to the applicant. Refer to Table 4 for types of business with automatic assumed concurrency.

Concurrency Classification A includes minor liquid trade waste discharges where:

- the discharge is of a low risk because it is of low volume and/or low strength;

- no pre-treatment is required, or there are prescribed standard non-complex pre-treatment devices available to treat the waste to a satisfactory level;
- only one or two pre-treatment devices are necessary to treat any single waste stream;
- the liquid trade waste poses a low risk to the sewerage system, the environment and public or worker health and safety;
- the information to be sought from an applicant is relatively standard;
- standard conditions may be used for the approval; and
- the volume is less than 5 kilolitres per day or 1,000 kilolitres per year, except in the case of commercial retail food preparation activities, where up to 16 kilolitres per day is allowed.

TABLE 4 – LIQUID TRADE WASTE  
DISCHARGES WITH AUTOMATIC ASSUMED CONCURRENCE

COMMERCIAL RETAIL FOOD PREPARATION ACTIVITIES	OTHER COMMERCIAL ACTIVITIES
Bakery (retail)	Boiler blowdown
Bistro	Car detailing
Boarding House/Hostel Kitchen	Cooling tower
Butcher Shop (retail)	Craft activities (making of clay pottery, ceramics, cutting and polishing of gemstones or making of jewellery at clubs, cottage industries)
Café/Coffee Lounge	Dental Surgery/Dental Specialist
Cafeteria	Laboratory (pathology/analytical)
Chicken/Poultry Shop (only fresh chickens/game sold)	Laundry or Laundromat (coin operated)
Chicken/Poultry Shop (retail BBQ/Charcoal Chicken)	Lawnmower Repairs
Club (kitchen wastes)	Mechanical Repairs/Workshop
Commercial Kitchen/Caterer	School (Primary and Secondary)
Doughnut Shop	Service Station Workshop
Fast Food outlet (McDonalds, KFC, Burger King, Pizza Hut, Red Rooster, etc.)	Swimming Pool/Spa/Hydrotherapy
Fish Shop (retail – fresh and/or cooked)	Vehicle washing (by hand/wand, automatic car wash, external truck wash or underbody/engine degrease only)
Food Caravan	Veterinary/Animal Kennels with X-ray
Function Centre, Nightclub	Waterless Mini-Lab
Hotel	
Ice Cream Parlour, Juice Bar	
Nursing home kitchen	
Patisserie, Pie shop	
Restaurant	
School Canteen	
Supermarket (with butcher/delicatessen/ seafood/or charcoal chickens)	
Take-Away food outlet	

However, the volume of liquid trade waste must be less than five kilolitres per day or 1,000 kilolitres per annum except in the case of commercial retail food preparation activities, where up to 16 kilolitres per day is included in this category. If the waste discharged into the sewer exceeds these volumes, the application must be treated as Concurrence Classification B (Chapter 5 of *Liquid Trade Waste Management Guidelines*). Discharges over 20 kilolitres per day must be treated as Concurrence Classification C.

Where more than four Concurrence Classification A discharges are being generated from one premise or complex (such as a shopping arcade), the discharges are to be considered as Concurrence Classification B.

2.2 Concurrence Classification B

A Concurrence Classification B comprises those liquid trade waste discharges that do not fall into the Concurrence Classification A range and are not of a high risk (industrial nature) and discharge less than 20 kilolitres per day.

2.3 Concurrence Classification S

Concurrence Classification S is the acceptance of septic tank, pan waste and ship to shore pump out.

2.4 Concurrence Classification C

Concurrence Classification C comprises those liquid trade waste discharges that do not fall within either Concurrence Classification A or B. Typically this classification would include discharges from industrial activities including manufacturing processes and large businesses with a discharge volume exceeding 20 kilolitres per day.

For classifications B, S and C, the application must be forwarded to the DWE for consideration who may or may not grant concurrence to Council's approval to the application. In the case where the application is approved, the DWE will impose their conditions that form part of Council's conditions on the approval or discharge agreement.

Any applications that are refused in any Category will be notified in writing.

2.5 Additional Items for Inclusion in an Approval

In addition to those conditions on the discharge required by the DWE, Council may include other conditions in accordance with the Local Government (General) Regulations 2005, as applicable to each discharge and site. These may include but are not limited to:

- a maximum daily volume of trade waste allowed to be discharged from the premises into the Council's sewerage system;
- a maximum rate of discharge of trade waste allowed to be discharged from the premises;
- the size and capacity of the drain to be used for conveying the trade waste;
- periods during the day or week when the trade waste can be discharged to the system;
- the method of measurement of the volume discharged, either by meter or some other means as approved by Council;
- any specified modifications to any works on the premises for the pre-treatment of trade waste, or to the method of treating trade waste discharged from the premises;
- conditions of Termination of the approval;
- for a trade waste pit, the frequency of pump outs;
- for pump outs, Council may specify the contractor or contractors who are approved by Council to perform this task or those allowed to deliver to a licensed receivable point; and
- additional sampling requirements, methods of recording and reporting these test results to Council. Also requirements for reimbursement of costs incurred by Council in obtaining the test results, particularly if testing is required by the DWE.

3 Charging Categories

For charging purposes there are three types of discharge categories, which are distinct from the Concurrence Classifications used to assess a trade waste application as discussed in Section 2.

The discharge categories are used in determining the appropriate trade waste fees and charges.

3.1 Category 1 Discharge

Category 1 liquid trade waste discharges are those conducting an activity deemed by Council as requiring nil or only minimal pre-treatment equipment and whose effluent is well defined and of a relatively benign nature.

A comprehensive list of typical discharges is detailed in Section 3.4 of Appendix D of the Liquid Trade Waste Management Guidelines 2005.

3.2 Category 2 Discharge

Category 2 liquid trade waste discharges are those conducting an activity deemed by Council as requiring a prescribed type of liquid trade waste pre-treatment equipment and whose effluent is well characterised.

A comprehensive list of typical discharges is detailed in Section 3.4 of Appendix D of the Liquid Trade Waste Management Guidelines 2005.

Category 2S dischargers are those conducting an activity of transporting and/or discharging septic tank or pan content waste into the sewerage system.

### 3.3 Category 3 Discharge

Category 3 liquid trade waste discharges are those conducting an activity which is of an industrial nature and/or which results in the discharge of large volumes (over 20 kilolitres per day) of liquid trade waste to the sewerage system. (Note: This category may include dischargers who discharge less than 20 kilolitres per day; however, their discharge is of an industrial nature).

A comprehensive list of typical discharges is detailed in Section 3.4 of Appendix D of the Liquid Trade Waste Management Guidelines 2005.

## 4 Fees and Charges for Trade Waste

Council levies a number of fees and charges for liquid trade waste dischargers and these are levied three times yearly.

The fees and charges are reviewed annually and are advertised for public comment as part of the Council's "draft" Management Plan.

The fees and charges are levied to:

- recover the cost of administration and technical services provided by Council in assessing applications for approval to discharge liquid trade waste to the sewerage system;
- recover the cost of administration and the scheduled inspection of each of the trade waste facilities to ensure on-going compliance with the conditions of each trade waste approval/agreement; and
- recover the additional costs placed on the sewerage system for transporting and treating liquid trade waste.

Many of the fees and charges are based on either the number of waste streams, characteristics and the volume of liquid trade waste discharged to the sewerage system and the level of risk. (The volume of liquid trade waste is determined by multiplying the water consumption through the water meter(s) servicing the property by a Trade Waste Discharge Factor (TWDF)).

The TWDF is dependent upon the type of activity generating the trade waste and is agreed to at the time of establishing the trade waste facility.

Requests for any water volume allowance due to operational processes, etc. will be considered by Council, but must be accompanied by supporting figures, documentation, etc.

Note 1:

As part of installing trade waste pre-treatment equipment, the owner is required to take out the necessary plumbing permits and arrange for inspections as required by Council's Planning and Economic Development Group. The fees and charges associated with the installation aspect do not form any part of the trade waste fees and charges. Refer also to Section 11.

Note 2:

The associated fees and charges for any cleaning/pumping out of the trade waste equipment, as part of approval/agreement process, is the responsibility of the owner.

Council's liquid trade waste fees and charges include:

### 4.1 For Category 1 Discharge:

- an application fee (once-off) (See Note 1 in Section 5);
- an annual trade waste administration fee (depends on the number of waste streams and includes one inspection);
- re-inspection fee (dependent on number of waste streams);
- noncompliance penalties where appropriate (See Section 5);
- dischargers listed in Table 1 are not required to pay the application fee; and
- Category 1 dischargers not having installed and maintained appropriate pre-treatment facilities will be required to pay that rate (R1) as noted in Council's Fees and Charges.

### 4.2 For Category 2 Discharge:

- an application fee (once-off) (See Note 1 in Section 5);
- an annual trade waste administration fee (depends on the number of waste streams and includes one inspection);

- a trade waste usage charge (i.e. a volume charge per kilolitre of waste);

The usage charge shall be =  $Q \times TWDF \times U$

where:

Q	=	Metered water consumption (kL)
TWDF	=	Trade Waste Discharge Factor
U	=	Council's trade waste usage charge as stated in the annual fees and charges (\$/kL)

- re-inspection fee (dependent on number of waste streams);
- noncompliance penalties where appropriate (See Section 5); and
- Category 2 dischargers not having installed and maintained appropriate pre-treatment facilities will be required to pay that rate (R2) as noted in Council's Fees and Charges.

4.3 For Category 3 Discharge:

- an application fee (once-off) (See Note 1 in Section 5);
- an annual trade waste administration fee (depends on the number of waste streams and includes one inspection);
- an excess mass charge;
- re-inspection fee (dependent on number of waste streams);
- non-compliance charges and penalties where appropriate (See Section 5).

Excess mass charges are only applicable to dischargers of this Category. For those substances listed in Table 5, Category 3 dischargers will only pay the excess amount over the deemed domestic strength rate at the relevant \$/kg. For all other substances, excess mass charges will be applicable to the total load present as those substances are deemed not to be present in domestic sewage.

The deemed standard strength rates for each of the constituents used in determining excess mass charges are:

Biochemical Oxygen Demand (BOD <sub>5</sub> )	300 mg/L
Suspended Solids (SS)	290 mg/L
Oil and Grease (O&G)	50 mg/L
Total Kjeldahl Nitrogen (N)	43 mg/L
Total Phosphorus (P)	8.3 mg/L
Total Dissolved Solids (TDS)	1000 mg/L
Sulphate (SO <sub>4</sub> )	50 mg/L

Note Substances not listed in Table 5 are deemed not to be present in domestic sewage.

Therefore, to pay excess mass charges, the strength of the various constituents in the liquid trade waste must be above the relevant deemed domestic strength rate noted above, and only that amount above the strength rate is paid, refer example below.

The following equation (1) applies to all substances including BOD<sub>5</sub> concentration up to 600 mg/L (e.g. Suspended Solids, Oil and Grease, total Kjeldahl nitrogen, total phosphorus, metals etc.):

Excess Mass Charge (\$) =  $(S-D) \times Q \times TWDF \times U/1000$  (1) where:

TWDF	=	Trade Waste Discharge Factor
Q	=	Metered water consumption (kL)
U	=	Council's charging rate for the particular substance as stated in the annual fees and charges (\$/kg)
D	=	Deemed strength rates as noted in Table 6.2 (mg/L)
S	=	Tested concentration in sample (mg/L)



For example BOD<sub>5</sub>: Tested BOD<sub>5</sub> level = 315 mg/L

Excess mass charge	=	(Tested BOD <sub>5</sub> – 300 mg/L) x Q x TWDF x \$/kg of BOD <sub>5</sub>
	=	(315 – 300) x Q x TWDF x \$/kg (for BOD <sub>5</sub> )

If Council approves the acceptance limits for BOD<sub>5</sub> higher than 600 mg/L, an exponential type equation will be used for calculation of BOD<sub>5</sub> excess mass charges as shown in equation (2) below.

Excess mass charge for BOD<sub>5</sub> (\$) =  $Q \times TWDF / 1000 \times (S-D) \times 2 \times U \times (S-300) / 600 \times 1.05^{((S-600)/600)}$  ..... (2)

The above equation does not apply to businesses that discharge high strength waste directly to a Wastewater Treatment Plant (that is, liquid trade waste is not transported by Council’s reticulation or pump stations). For such activities the discharge shall be charged as for a Discharge Category 3 excepting that all of the discharge shall be charged by applying equation (1).

4.3.1 Non-Compliance Charges

Category 3 dischargers who fail to comply with limits specified in Council’s approval Conditions (or the acceptance criterion listed in Council’s Trade Waste Policy) for substances in liquid trade waste are required to pay non-compliance pH charges and non-compliance excess mass charges.

Non-Compliance pH charge

Where the discharge pH value is detected to be outside the range approved by Council, the charge according to the co-efficient (K) as set in the annual fees and charges will be applied for the period between the recorded breach and the previous monitoring test period where the pH range was acceptable (i.e. within the limits) and calculated by the following equation:

$\$/kL = K \times (\text{actual pH} - \text{approved pH})^* \times 2^{(\text{actual pH} - \text{approved pH})^*}$  ..... (3)  
where \* = absolute value

therefore the charge (\$) would be:

$= Q \times TWDF \times K \times (\text{actual pH} - \text{approved pH})^* \times 2^{(\text{actual pH} - \text{approved pH})^*}$

Non-Compliance excess mass charge

Where a discharge quality fails to comply with the approved concentration limits of substances specified in Council’s approval (or the acceptance criterion listed in Council’s Trade Waste Policy), Council incurs additional costs in accepting and treating that waste. Council may also face problems with effluent and biosolids management.

In order to recover Council’s costs equation (4) shall apply for all non-compliant excess mass charges for all substances except BOD<sub>5</sub> (where equation (5) shall apply).

$$\frac{(S-A) \times Q \times TWDF \times 2U}{1000} + \frac{(S-D) \times Q \times TWDF \times U}{1000} \dots\dots\dots (4)$$

where:

- TWDF = Trade Waste Discharge Factor
- Q = Metered water consumption (kL)
- U = Council’s charging rate for the particular substance as stated in the annual fees and charges (\$/kg)
- D = Deemed strength rates as noted in Table 6.2 (mg/L)
- S = Tested concentration in sample (mg/L)
- A = Maximum concentration of substance as specified in Council’ Liquid Trade Waste Policy (Table 5)

Non-Compliance excess mass charge for BOD<sub>5</sub>

These charges will be used where the discharger has failed to meet the approved BOD<sub>5</sub> limit as per Table 5 on two or more instances in the financial year and is calculated by the following equation (5):

Non Compliance Excess Mass Charge for BOD<sub>5</sub> (\$) =  $[(S-D) \times Q \times TWDF / 1000 \times 2U \times (A-300) / 600 \times 1.05^{((A-600)/600)}]$  ..... (5)  
+  $[4U \times (S-A) / 600 \times 1.05^{((S-600)/600)}]$



where:

TWDF	=	Trade Waste Discharge Factor
Q	=	Metered water consumption (kL)
U	=	Council's charging rate for BOD <sub>5</sub> as stated in the annual fees and charges (\$/kg)
D	=	Deemed strength rates as noted in Table 6.2 (mg/L)
S	=	Tested concentration in sample (mg/L)
A	=	Maximum concentration of BOD <sub>5</sub> (mg/L) as specified in Council's Liquid Trade Waste Policy (Table 5)

The non-compliance excess mass charges shown in equations (4) and (5) are in lieu of the excess mass charges calculated by using equation (1) and (2).

Note:

Council will continue applying the above non-compliance excess mass charge until the quality of discharge complies with Council's approved quality (or Trade Waste Policy) limits, within the time frame determined by Council for remedying the problem. If the discharger fails to rectify the problem within this time frame, the discharger may be required to cease discharging liquid trade waste into Council's sewerage system and may be required to pay a non-compliance penalty as indicated in Section 5.

## 5 Non-Compliance Penalties

The non-compliance penalties may include:

- compensation for Council's costs relating to legal action, damage to infrastructure, incurred fines and other matters resulting from illegal, prohibited or non-approved liquid trade waste discharges;
- fines under the *Local Government Act 1993*, Sections 626 (failure to obtain an approval), 627 (failure to comply with an approval) and 628 (failure to comply with an order). Any person, who fails to obtain an approval or to comply with conditions of Council's approval, may be liable to a penalty as provided under the LG (General) Regulations 2005; and
- any costs incurred by Council in completing the monitoring program, as stated in the approval/agreement, (if not already being undertaken by the trade waste licensee).

## 6 Penalties

Any person, who fails to obtain an approval or to comply with conditions of Council's approval, may be liable to a penalty as provided under the LG (General) Regulations 2005.

Council reserves the right to disconnect the discharger from its sewerage system for any breach of its approval conditions. In this instance, Council will then give the discharger notice of intention to serve an order, which will require the discharger to provide reasons as to why Council should not disconnect within 21 days. If after this period Council is not satisfied with the discharger's response, disconnection will be effected and the approval revoked.

## 7 Responsibility for Payment of Fees and Charges

Property (land) owners are responsible for the payment of fees and charges for water supply, sewerage and liquid trade services provided by Council. Where another party (lessee) leases premises, any reimbursement of the lessor (property owner) for such fees and charges is a matter for the lessor and the lessee.

## 8 Testing Requirements

If specified in the approval/agreement, the discharger may be required to monitor the trade waste discharge and to pay for any flow measurement, sampling and testing of trade waste undertaken by the Council, in lieu of the discharger not arranging or being able to arrange for such works by a private organisation.

### 8.1 Discharge Categories 1 and 2

The volume of waste is to be determined as a percentage of water consumption or as agreed by the Council and the discharger, based on relevant information (e.g. water usage, flow monitoring, seating capacity of restaurant, number of meals prepared, etc.).

If monitoring shows that the discharge does not comply with the requirements of its category, it may be re-classified and/or be subject to the appropriate charges.

8.2 Discharge Category 3

The discharger will be required to carry out regular monitoring of the waste as per conditions, at his cost, to ensure compliance with the agreed conditions (i.e. take samples and perform laboratory analyses on specified pollutants listed in the approval).

If testing is not undertaken, Council will arrange for testing and the discharger will be required to reimburse Council all costs associated with these tests.

For this purpose, an inspection/sampling point, where the waste can be inspected and sampled, will be specified in the approval/agreement. This point will normally be just before the discharge to the sewer. The discharger should install a suitable method of flow measurement as described in the approval.

The Council may require the discharger to:

- measure the volume and flow rate using the flow measurement system permanently installed; and
- install a flow measurement device on a temporary basis and obtain enough data to determine a basis for assessing the flow rate and volume.

8.3 Trade Waste Testing Facility

A NATA registered or other recognised laboratory, approved by Council to ensure reliable and accurate results, shall undertake testing of samples for waste characteristics, regardless of the Category of discharger. Where the discharger is sampling the effluent, Council may randomly take duplicates to confirm the waste characteristics and integrity of laboratory results and these costs are to be reimbursed to Council by the applicant.

9 Monitoring and Cleaning

Council Officers will regularly inspect each pit to ensure that it is being maintained correctly. Correct maintenance will ensure that each pit is operating to its optimum capacity.

Frequency of cleaning can vary depending on the volume and type of discharge. Cleaning/pump-outs shall be carried out by a licensed liquid waste contractor approved by Council. Failure to properly maintain trade waste pits or comply with the conditions of the agreement may result in cancellation of discharge approval and disconnection from the sewer.

Note:

General discharge to sewer can be minimised by good "housekeeping" procedures. Benefits will be accrued in reduced cleaning costs (as arresters will not require as frequent cleanouts) and reduced trade waste charges.

10 Approval/Agreement to Discharge

The provisions of the Liquid Trade Waste Policy along with any associated conditions stipulated by Council in its approval documentation will in effect form the discharge agreement for Concurrence Classification A and B dischargers. For Concurrence Classification Category C dischargers, for which concurrence is obtained from the DWE, Council will require the applicant to acknowledge, in writing, receipt of the approval. Inherent in the receipt of approval is the acknowledgment of any specific clauses in the approval, thus finalising the formal discharge agreement protocol.

In addition, all approvals from the DWE are bound by the provisions and clauses of the Liquid Trade Waste Policy. Where clauses or provisions overlap, the provisions of the DWE approval will take precedence. The approval or discharge agreement will be for three years unless otherwise stated. Council can at any time extend the approval, presuming the discharge has remained as detailed on the application.

No discharge shall be made to the Council's sewer until approval has been granted and Council has received acknowledgment of conditions by the discharger.

11 Installation and Connection of Trade Waste Facilities

All plumbing and drainage work for installation and connection of Trade Waste facilities shall be done in accordance with the guidelines as set down in the Australian Standard (AS) 3500 and the NSW Code of Practice – Plumbing and Drainage.

Any facilities not covered in the above shall be considered individually on application to Council.

Standard drawings of the following are available from Council's Engineering and Environmental Services Department:

- Grease Trap;
- Coalescing Plate Separator;
- Cooling/Dilution pit;
- Grit Arrester; and

- Silt Trap.

The drawings of the above are not dimensioned but diagrammatical. Council will ascertain the appropriate unit to use and its relevant dimensions/size as part of the Trade Waste application/approval process.

12 Prevention of Waste of Water

Water must be used efficiently and must be recycled where practicable. It is an offence under section 637 of *the Local Government Act 1993* and its Regulation to waste or misuse water.

Dilution of trade waste with water from any non-process source including Council's water supply, bore water, groundwater and/or stormwater as a means of reducing pollutant concentration is therefore strictly prohibited.

13 Effluent Improvement Plans

Where the existing liquid trade waste discharged does not meet Council's requirements, the applicant may be required to submit an 'effluent improvement plan' setting out how Council's requirements will be met. The proposed plan must detail the methods/actions proposed to achieve the discharge limits and a timetable for implementation of the proposed actions.

Such actions may include more intensive monitoring and improvements to work practices and/or pre-treatment facilities to improve the effluent quality and reliability.

14 Due Diligence Programs and Contingency Plans

For Concurrence Classification A, a discharger is not required to submit either a due diligence program or a contingency plan.

A discharger may be required to submit a due diligence program and a contingency plan for Concurrence Classification B where it is considered that the discharge may pose a potential threat to the sewerage system. If required, a due diligence program and contingency plan must be submitted to Council within six months and three months respectively of receiving a liquid trade waste approval.

For Concurrence Classification C, a discharger may need to provide a due diligence program and contingency plan to Council within six months and three months respectively of receiving a liquid trade waste approval.

#### APPLICATION FORM AND CURRENT FEE STRUCTURE

For an example of an Application Form see Appendix A.

Rates for volume and pollutant charges are part of Council's Fees and Charges which are revised and adopted annually.

#### GLOSSARY OF TERMS

Biochemical Oxygen Demand (BOD <sub>5</sub> ):	Biochemical Oxygen Demand (BOD <sub>5</sub> ) is defined as the amount of oxygen utilised by micro-organisms in the process of decomposition of organic material in wastewater over a period of five (5) days at 20°C. In practical terms, BOD <sub>5</sub> is a measure of biodegradable organic content of the waste.
Biosolids (Sludge):	Primarily organic solid product produced by sewage processing. Until such solids are suitable for beneficial use, they are defined as wastewater solids or sewage sludge.
Chemical Oxygen Demand (COD):	This is a measure of oxygen required to oxidise organic matter in wastewater by a strong chemical oxidant. COD is a measure of the total organic content, both biodegradable and refractory.
Council:	In this document, a reference to the Council means the elected body and where consistent with the text may include staff members authorised to act on the Council's behalf.
Director-General:	Director-General means the Director-General, Department Water and Energy (DWE).
Sewage of a Domestic Nature:	Includes human faecal matter and urine and waste water associated with ordinary kitchen, laundry and ablution activities of a household, but does not include waste in or from a sewage management facility.
Effluent:	The liquid discharged following a wastewater treatment process.
Heavy Metals:	Metals of high atomic weight, which in high concentrations can exert a toxic effect.

Nitrogen (N):	For the purpose of this document, nitrogen concentration is defined as Total Nitrogen not to be confused with Total Kjeldahl Nitrogen (TKN).
Phosphorus (P):	For the purpose of this document, phosphorus concentration is defined as 'Total Phosphorus'.
pH:	This is a measure of acidity or alkalinity of the waste, pH 7 is neutral, below seven (7) is acidic and above seven (7) is alkaline.
Sewerage System:	Sewerage system is the network of sewage collection, conveyance, treatment and disposal facilities owned and/or operated by the Council.
Suspended Solids (Non-Filterable Residue):	Suspended solids refer to the insoluble solid matter suspended in wastewater that can be separated by laboratory filtration and is retained on a filter.
Total Dissolved Solids:	Total dissolved solids refer to salts dissolved in wastewater.
Liquid Trade Waste:	Liquid trade waste means all liquid waste other than sewage of a domestic nature.

APPENDIX A  
Application Form

APPLICATION FOR PERMISSION TO DISCHARGE LIQUID TRADE WASTES INTO A SEWER

I/We ..... of ..... (Business Name) being owners/occupiers of premises situated at ..... hereby apply for permission to discharge into the sewer of Lockhart Shire Council liquid wastes from the processes mentioned in the schedule below:

Applicant's Signature: ..... Date: .....

Position of Signatory: ..... Contact Phone No: .....

Postal Address: .....

Owner/s Name/s: ..... Owner/s Phone No: .....

Postal Address: .....

Type of Business: .....

Process of Manufacture (detail each process that will generate a discharge)

1. ....
2. ....
3. ....
4. ....
5. ....
6. ....
7. ....

Add attachments if necessary. Where applicable chemical analysis of discharge should be attached.

Hours of operation (& days) which discharge will take place .....

Temperature of waste ..... °C

Estimated maximum daily discharge in litres .....

Estimated maximum rate of discharge in litres/hour .....

CAFES, RESTAURANTS, TAKE-AWAYS, HOTELS, MOTELS ETC. TO COMPLETE THIS SECTION

Seating Capacity .....	Floor Area:	Dining Room .....	m <sup>2</sup>
No. of Persons Served .....		Kitchen .....	m <sup>2</sup>
Total Capacity of Sinks .....		Dishwasher	Yes/No
No. of Staff .....			

Note: This application is to be accompanied by one (1) plan (A3 Size)

Plan to Show

(1) Site Plan (Location of buildings) Scale 1:500;	(2) Location of plant and equipment and/or plumbing fixtures
(3) Locality Plan	(4) Location of point of discharge to sewer

OFFICE USE ONLY

TWA No. ....	Plan attached	Yes/No	Discharge Details Complete:	Yes/No
HDP No. ....	P /N .....			
	Ass. No. ....			

*Confirmed by Council 17 August 2020  
Refer Minute No. XXX/20*

*Adopted by Council – 19 October 2009  
Refer Minute No. 380/09*

## Item 11 – Attachment 12: Policy 2.44 Street Trees

### 2.4 Street Trees

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POLICY TITLE: STREET TREES

FILE REF: R40-107

EXPIRY DATE: AUGUST 2023

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#### OBJECTIVE

This policy provides a framework for the controlled planting and maintenance of street trees within Lockhart Shire to:

- improve the coordination and aesthetics of urban streetscapes;
- ensure the health and safety of shire residents;
- alleviate issues regarding the legal responsibility of Council and residents in relation to street trees and urban landscapes; and
- avoid conflict over requests for removal of street trees and possible adverse effect on streetscape due to established street trees obstructing access to new or altered buildings or where general application is made for the removal of a tree.

#### POLICY

1. Associated Legislation

*Roads Act 1993*

*Local Government Act 1993*

2. Related Documents

Lockhart Shire Council Street Tree Plan and Procedures

3. Policy Content

3.1 Legal Obligations

Council is responsible for the planting and maintenance of street trees, including the selection of species, regular health and safety checks, pruning, and removal and replanting requirements.

Residents may assist Council by providing supplementary watering and mulching as required.

3.2 Street Tree Plan and Procedures

The Lockhart Shire Council Street Tree Plan and Procedures is a document created originally in 2003 following consultations between Lockhart Shire Council and various community groups. Information presented in the Plan and Procedures document allows Council staff to work towards developing attractive, uniform and congruent streetscapes, while providing straightforward procedures for shire residents in relation to all matters regarding street trees in Lockhart Shire, including information presented under sections 3.2.1 - 3.2.4.

3.2.1 Street Tree Planting

- i. Planting will be undertaken by Lockhart Shire Council Staff on a periodic basis, with consideration given to environmental conditions, progress of civic works, time and budgetary constraints.
- ii. Council will generally water new trees for the first two years after planting, at a rate of no more than one watering per week.
- iii. Standard frontage house blocks will be allocated one (1) tree, larger/double blocks will be allocated two (2) trees, and each side of a corner block is to be treated as a standard frontage, or as otherwise directed by a member of Council staff.

3.2.2 Street Tree Species List

The selection of appropriate street trees will be based on the following conditions:

- drought tolerance;

- potential to cause issues regarding occupational health and safety;
- potential to become invasive;
- appropriateness relative to dominance of existing street trees;
- past success of a species; and
- suitability relevant to soil type and climatic conditions.

### 3.2.3 Street Tree Removal

- i. Existing specimens that have died or had to be removed, and are not on the Street Tree Species List, will be replaced under the conditions set out in sections 3.2.1 and 3.2.2.
- ii. Trees will generally not be removed until they reach the end of their life; represent an occupational hazard, or as otherwise defined during periodic/random inspections by a qualified Council staff member.
- iii. Where residents have planted tree/shrubs on their nature strips without approval, Council reserves the right to remove the specimens without compensation, after written consultation with the resident.
- iv. The construction of any building, driveway or the like located in such a manner as to possibly be an interference to a tree on land controlled by the Council should not be approved without referral to Council's Director Engineering and Environmental Services or delegate Manager Environmental Services and Manager Technical Services. If a viable alternative regarding the location of proposed construction is available, then this should be pursued. Alternatively, conditional approval may be granted with the applicant being responsible for the payment for removal and/or replacement of the tree prior to a building approval being granted.
- v. That upon any general request for removal of street trees applicants be informed it is Council policy to only permit removal of street trees where good cause be shown and in cases where Council so determines subject to the applicant to be responsible for the full cost of such removal and/or replacement.

### 3.2.4 Trees of Significance

Several streets in the Shire contain trees that, although not on the Street Tree Species List, have a historical connection to the area. Such specimens may include Athel Pines, Peppercorns and Kurrajongs. In the instance, these specimens will be retained and not replaced until necessary, in which case their replacement will be defined by the conditions set out in 3.2.1 and 3.2.2.

### 3.3 Requests

Issues presented to residents regarding street trees, including species selection, maintenance and/or removal should be made in writing and addressed to the General Manager. Such issues will be resolved based on financial and time restraints, in cooperation with the information provided in the Street Tree Plan and Procedures.

*Confirmed by Council 17 August 2020  
Refer Minute No. XXX/20*

*Adopted by Council – 22 March 2013*

*Adopted by Council: - 16 July 2012  
Refer Minute No – 64/13*



## Item 11 – Attachment 13: Policy 2.46 Keeping of Animals

### 2.46 Keeping of Animals

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POLICY TITLE: KEEPING OF ANIMALS

FILE REF: H10-035

EXPIRY DATE: AUGUST 2023

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#### OBJECTIVE

1. To inform the community of the acceptable limits which apply to the keeping of certain animals for domestic purposes.
2. To give guidance and advice to persons inquiring as to the keeping of animals for domestic purposes.
3. To minimise the local nuisance and maximise amenity in residential areas.
4. To ensure that the keeping of animals does not compromise minimum standards of public health, safety and convenience.
5. To establish local standards, acceptable to the community, for the keeping of animals.
6. To publicly notify the circumstances that the Council will consider in determining whether to serve an Order under Section 124 of the *Local Government Act 1993* to prohibit, restrict or in some other way, require action regarding the keeping of animals.

#### POLICY STATEMENT

This policy applies to animals kept for domestic reasons and include companion animals, pets or those animals kept for hobby interests.

The policy aims to:

- a) Minimise the incidence of nuisance being caused to persons; and
- b) Protect the welfare of companion and farm animals.

This policy informs the reasonable limits which apply concerning the maximum number of animals and the circumstances under which they may be kept on premises. Where it is intended to keep animals for any commercial purposes, it is necessary that a development application be submitted to Council and planning consent obtained.

This policy applies most specifically to land zoned RU5 – Village in accordance with the Lockhart Local Environmental Plan 2012.

#### POLICY REQUIREMENTS

Residents may keep animals as pets (subject to any relevant laws) provided they are properly cared for and do not cause a nuisance or danger to health or safety.

- All pets must be provided with food, water, preventive health care and veterinary care appropriate to their needs.
- Shelters, cages or enclosures must be escape-proof, provide adequate shelter, protection from predators, and meet the physical and behavioural needs of the animals.
- All shelters, cages, enclosures and equipment, including food and water containers, must be designed and constructed so that they can be easily and effectively cleaned.
- All facilities and equipment must be cleaned regularly and be kept clean.
- Appropriate measures must be taken to control vermin and other pests.

#### Aviary Birds

A wide variety of bird species are commercially available for domestic aviaries.

Aviaries may be erected without consent, subject to compliance with the exempt requirements set out in the [State Government's Exempt and Complying Development Code](#) (External link).

### **Bees**

All beekeepers must be registered with the NSW Department of Industry and Investment. For further information see the Department's [Backyard Beekeeping Fact Sheet](#) (External link).

### **Dogs and Cats**

The size and breed of dog you choose must be suited to the environment to which it will be kept. Dogs especially need plenty of space and exercise, to minimise barking and aggression because of boredom. Discipline is also important, to allow the owner to maintain control over the animal and ensure their safety and that of others.

Dogs and cats must be housed securely to prevent roaming and must be microchipped and registered to ensure they are permanently identified.

More information can be obtained from various sources, including [the RSPCA](#), which provides a range of educational material on responsible pet ownership.

### **Horses and Cattle**

The keeping of horses and cattle in residential areas is not recommended. Standards for keeping horses and cattle are set out in clause 21 of Schedule 2 under the [Local Government \(Orders\) Regulation 2005](#) (External link).

Development consent is required from Council to erect a stable.

### **Native Fauna**

All native mammals, birds, reptiles and amphibians are protected under the *National Parks and Wildlife Act 1974*.

Any person wanting to keep native fauna as pets (other than certain species of birds) must obtain a licence from the NSW Department of Environment, Climate Change and Water.

[Further information on keeping native animals](#) (External link) as pets can be obtained from the NSW Department of Environment, Climate Change and Water.

### **Pigs**

Standards for keeping swine or pigs are set out in clauses 17 and 18 of Schedule 2 under the [Local Government \(Orders\) Regulation 2005](#) (External link).

Under the regulations, all pigs must be kept at least 60 metres from any dwelling, shop, office, factory, church or other place of worship, workshop, school or public place in a city, town, village or other urban part of an area. This effectively prohibits the keeping of pigs in villages in Lockhart Shire.

These requirements also apply to pigs sold as 'miniature' pet pigs.

### **Poultry**

Poultry include domestic fowls, ducks, geese, turkeys and guinea fowls. However, only domestic fowls are generally suitable for residential backyards.

Roosters can cause a nuisance by crowing and must not be kept in residential areas.

Poultry should have a poultry house for nesting and roosting, and a yard for foraging in dry weather.

Standards for keeping poultry are set out in clauses 19 and 20 of Schedule 2 under the [Local Government \(Orders\) Regulation 2005](#) (External link). The regulations state that poultry must not cause a nuisance or danger to health and that the poultry yard must be kept clean and free of offensive odours.

Domestic fowls and guinea fowls must be kept at least 4.5 metres from neighbouring residences. Other kinds of poultry should be kept at least 30 metres from neighbouring residences.

The poultry yard must be enclosed to prevent the escape of the poultry.

Fowl and poultry houses may be erected without consent, subject to compliance with the exemption requirements set out in the State Government's Exempt and Complying Development Code and should have a concrete floor to facilitate cleaning.

[Further information on backyard poultry keeping](#) (External link) may be obtained from the NSW Department of Industry and Investment.

### **Rabbits**

The keeping of wild rabbits is prohibited. Pet rabbits must be either a recognised domestic breed or a hybrid of a domestic breed.

Rabbits must be housed in a suitable hutch. The hutch must be of sturdy construction to prevent escape. If the rabbit is taken out of the hutch it must be carefully supervised to make sure that it does not burrow or escape.

It is recommended that all pet rabbits be desexed.

Unwanted rabbits must not be released. Find a new home for the rabbit or take it to the RSPCA.

### **Sheep and Goats**

The keeping of sheep and goats in residential areas is not recommended.

#### LEGISLATIVE RESPONSIBILITIES

Where animals are being kept inappropriately, Council may order the occupier of the premises:

- not to keep more than a specified number of animals;
- to keep the animals in a specified manner;
- to cease keeping the animals.

If the issue cannot be resolved by consultation, the Council will proceed to issue notice of its intention to serve an Order. Council's power to control and regulate the keeping of animals is provided under Section 24 of the *Local Government Act 1993* and the Local Government (General) Regulation 2005 applies.

*Confirmed by Council 17 August 2020  
Refer Minute No. XXX/20*

*Adopted by Council – 19 October 2015  
Refer Minute No. 264/15*

**Item 11 – Attachment 14: Policy 2.47 Contaminated Land Management**

## 2.47 Contaminated Land Management

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POLICY TITLE: CONTAMINATED LAND MANAGEMENT

FILE REF: E30-055

EXPIRY DATE: AUGUST 2023

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### OBJECTIVES

To identify the guiding document used by Council for matters relating to contaminated lands in the Lockhart Shire.

### APPLICATION

This policy applies to all land within the Lockhart Shire.

### RELATED DOCUMENTS

Riverina Eastern Regional Organisation of Councils (REROC) (2016) - Contaminated Land Management Policy. Wagga Wagga, Australia.

### POLICY STATEMENT

This policy, known as the Contaminated Land Management Policy, outlines requirements relating to the use and / or development of land that is or may be contaminated.

This policy has been developed under the provisions of the *Contaminated Land Management Act 1997* (CLM Act), its associated State Environmental Planning Policy No. 55 – Remediation of land and the Managing Land Contamination – Planning Guidelines with regard to the principles of:

- i. Ensuring that changes of land use, or new development proposals, will not increase the risk to human health or the environment;
- ii. Avoiding inappropriate restrictions on land use; and
- iii. Providing information to support decision making and to inform the community.

The referenced Contaminated Land Management Policy provides a framework for the management of contaminated or potentially contaminated land in the Lockhart LGA. It identifies how the management of contaminated land is integrated into Council's planning and development processes.

*Confirmed by Council 17 August 2020  
Refer Minute No. XXX/20*

*Adopted by Council – 19 September 2016  
Refer Minute No. 268/16*

## QUESTIONS AND STATEMENTS

### CLOSED SESSION

#### Agenda

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

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

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

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

**13. TENDER 2021-001 – WINNING AND CRUSHING OF GRAVEL (DEES/T20-005)**

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

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