

BUSINESS PAPER

**of the
Ordinary Meeting
Held
18 May 2020**

**Please note that the meeting will be preceded by a
Budget and Rates Workshop commencing at 3.30pm.**

**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

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13 May 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, 18 May 2020** commencing at **5.00pm**.

The Order of Business will be as shown overleaf.

Please note that the meeting will be preceded by a Budget and Rates Workshop commencing at 3.30pm.

Yours faithfully

Peter Veneris
GENERAL MANAGER

Order of Business

Opening with a Prayer

Apologies

Nil

Leave of Absence

Nil

Confirmation of Minutes of the Ordinary Meeting 20 April 2020

Declarations of Pecuniary & Non-Pecuniary Interest

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Urgent Matters Page 3

Notice of Motion Page 3

Committee Reports

Nil

Delegates Reports

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Staff Reports

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1. Hilltop Carer Accommodation Centre – Request for Financial Assistance Page 20

B. A Dynamic and Prosperous Economy

Nil

C. An Environment that is Respected and Protected

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D. Infrastructure for the Long Term Needs of the Community

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- 13. Local Government (COVID-19) Economic Stimulus Package Page 52
- 14. Preparation of the 2020/21 Operational Plan and Budget Page 53
- 15. Membership of Regional Organisations Page 55

Questions & Statements

Nil.

Consideration of Business in Closed Session

Nil.

Resumption of Open Council

Mayoral Minute

Nil.

Mayoral Report

To be presented at the meeting.

Urgent Matters

Nil.

Notice of Motion

Nil.

Committee Reports

Nil

Delegates' Reports

1. **RIVERINA JOINT ORGANISATION BOARD MEETING AND REROC BOARD MEETING**
– 23 APRIL 2020 **(R30-005/R30-025)**

I participated in the Riverina Joint Organisation (RIVJO) Board Meeting remotely via Zoom on 23 April 2020 together with the General Manager. The following matters were noted:

- TraNSIT has been engaged to provide freight transport data for the JO's informed decision making in the Regional Freight Transport Planning project. The data collection project is being funded by a grant from the JO Capacity Building Fund and should place member councils well for future funding submissions.
- The Skills Shortages in Local Government project, which is also being funded by the grant from the JO Capacity Building Fund, was scheduled to be completed by the end of 2020 but has now been extended into 2021 due to difficulties in reaching the target market because of the COVID-19 pandemic.
- The Drought Sub-Committee had two aborted attempts to officially launch the Farm Household Allowance Promotion before COVID-19 restrictions came into force. Notwithstanding this, 10,000 brochures have been issued and the Rural Financial Counselling Service is looking at a reprint.
- The report of the independent review of the operations of RIVJO and REROC was tabled. This matter is the subject of a separate report included in this Business Paper.

I also participated in the REROC Board Meeting remotely via Zoom on 23 April 2020 together with the General Manager. Points of interest arising from the meeting include the following:

- The Biodiversity Conservation Reform Project has been revised with training being provided by the project officer through online webinars due to the restrictions imposed in response to the COVID-19 pandemic.
- After having difficulty in recruiting a Contaminated Land Management Project Officer, the grant funding agreement has been varied to allow a joint approach with RAMJO. An appointment has now been made with the Project Officer commencing in April.
- The following activities have been deferred or postponed due the COVID-19 related restrictions:
 - Build a Bridge (engineering mentoring project);
 - Take Charge Youth Leadership Forum;
 - No Time to Waste Conference.
- The report of the independent review of the operations of RIVJO and REROC was tabled. This matter is the subject of a separate report included in this Business Paper.

Cr Rodger Schirmer
Mayor

Recommendation: that the Delegate's Report be received.

Notes:

2. RIVERINA REGIONAL LIBRARY ADVISORY COMMITTEE

(GM/L20-005)

I report having participated in a meeting of the Riverina Regional Library Advisory Committee remotely via Zoom on 22 April 2020. Council's other appointed Delegate, Cr Greg Verdon, was an apology as the meeting clashed with a meeting of the Riverina Water Board. A summary of the main points emanating from the Advisory Committee meeting is provided below.

- A Draft Budget for the 2020/21 financial year was endorsed for public exhibition. The Draft Budget provides for a surplus of \$39,372.
- The 2020/21 Draft Budget includes a reduction in income of \$20,000 associated with the abolition of overdue fines across RRL libraries from 1 July 2020.
- The Draft Budget has been prepared on the basis of a business as usual approach. If any services continue to be impacted by the COVID-19 restrictions beyond 1 July 2020 that have budgetary impact this will be adjusted at the time of the quarterly budget reviews.
- The 2020/21 Council contributions have been determined in accordance with the agreed formula. Mobile library costs are increased by the rate peg and apportioned according to use by member councils (Lockhart share is 19.13%). Other costs increased by the rate peg and apportioned on a per capita basis.
- The quarterly financial review for the quarter ending 31 December 2019 was tabled.
- The Biannual Reports on the Integrated Planning Strategy and Service Level Agreement were tabled.
- A customer survey of member councils will be conducted during June/July 2020 and the results provided to the October 2020 meeting of the Committee.
- Consideration is being given to the acquisition of a "Library App" which will provide the ability to perform a number of functions from a mobile device including joining the library and managing loans, reservations and member records.
- High stock turnover and loan figures continue to emphasise the importance of the mobile library service. Loans to Lockhart Shire Council service points totalled 3,815 for the July to December 2019 period.

Peter Veneris
General Manager

Recommendation: that the Delegate's Report be received.

Notes:

3. RIVERINA WATER COUNTY COUNCIL – MAY 2020

(W10-005)

1. Council received and noted Financial Statements and List of Investments. Current projection of increased water sales of \$3m due to prolonged dry.
2. Quarterly Budget Review for period 31 March 2020 was presented.
3. Draft Delivery and Operational Plans for 2020/21 were approved for public exhibition and comment. Highlights being nil increase in water prices and charges.
4. Minutes Audit & Risk Committee received and noted.
5. Council voted for Option 3 on Superannuation discussion paper.
6. Council has proposed a new Water Restrictions Policy which is on public exhibition.
7. Council has approved the extension of Community Grants Program for a further 12 months and extended the time for completion of current grants by 2 months
8. Riverina Water will be sending delegates to this year's Water Conference in Narrabri and Local Government Conference.
9. Council received mid-term Performance Review of GM (most satisfactory)

Greg Verdon
Delegate

Recommendation: that the Delegate's Report be received.

Notes:

Status Report/Précis of Correspondence Issued

Status Report: Council Resolutions and Tasks to be finalised

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 20 April 2020			
71/20	GM	<p>Round 3 – Stronger Country Communities Fund</p> <p>Council to seek clarification on the successful applicants of the funds.</p>	<p>Clarification sought in relation to “Change-up” pilot program funded for Lockhart Shire.</p> <p>Response received that 50% of allocated funds were earmarked for projects focusing on young people and that project will be delivered in Lockhart LGA.</p> <p>A meeting is being arranged with the applicant organisation to ensure any duplication with Council’s own granted funded youth program is avoided.</p> <p>Complete.</p>
70/20	GM	<p>Review of Operational Land</p> <p>Council adopt the following actions in relation to the review of land classified as “operational land”:</p> <ol style="list-style-type: none"> 1. List for sale the vacant property situated at 55 Scott Street, The Rock; 2. Explore opportunities for biodiversity offsets in respect of the former Milbrulong School site situated on the corner of Benders Lane and the Lockhart The Rock Rd; 3. Investigate the feasibility of undertaking a large-lot residential subdivision on Lot 62 DP1015278 and Lot 90 DP756417 Prichard Place, Lockhart before determining whether or not to dispose of the land; and 4. Approach the adjoining owner of the land situated at 2410 Albury Road, Urangeline regarding potential sale or transfer of the land. 	<ol style="list-style-type: none"> 1. Marketing proposal invited from Council’s real estate agent 2. In progress 3. In progress 4. In progress
67/20	DEES	<p>Transfer of Crown Road Reserves</p> <p>Council writes to Crown Land, Department of Planning, Industry and Environment requesting the transfer of the Crown roads located in The Rock, southeast of Olympic Highway and identified in this report, to Lockhart Shire Council at no cost.</p>	<p>Dept of Planning, Industry and Environment has been advised of resolution of Council and requested an indicative timeframe for the transfer to occur.</p> <p>Complete.</p>

*Lockhart Shire Council
Ordinary Meeting – 18 May 2020*

Minute No:	Officer to Action	Council Resolution	Action Taken
63/20	GM	<p>Drought Communities Programme Extension</p> <p>Amend Council's application under the Drought Communities Programme Extension by deleting the request for \$50,000 for a feasibility study into recycling water at The Rock and reallocating the funds to the construction of footpaths and disabled access project and increasing the scope of works for that project as outlined in this report.</p>	<p>Application amended and resubmitted.</p> <p>Complete.</p>
57/20	GM	<p>Mayoral Minute – COVID-19</p> <p>Council to write to Federal and State government calling for financial support and stimulus packages for local government, including FAGs payment increases, financial assistance to support employees; stimulus funding to boost local economies; and increased access to TAFE and VET training to address skill shortages.</p> <p>Council commends NSW and Federal governments on stewardship during pandemic.</p> <p>Council writes to local Federal and State representatives, and others, confirming support for increased financial assistance and stimulus for local government.</p> <p>Council endorses Local Govt NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for local government.</p>	<p>Correspondence sent 22 April 2020.</p> <p>Complete.</p>
Ordinary Council Meeting held 16 March 2020			
50/20	GM	<p>Grant Application Preparedness</p> <p>Council determine a shortlist of projects to be developed to "shovel ready" status pending the availability of funding.</p>	<p>To be raised in Budget Workshop for further discussion.</p>
48/20	GM	<p>Policy 1.12 Debt Recovery Procedures</p> <p>Council place amended Policy 1.12 Debt Recovery Procedures on public exhibition for a period of not less than 28 days.</p>	<p>Policy 1.12 Debt Recovery Procedures has been placed on Council's website for public exhibition.</p> <p>Complete.</p>
45/20	DCCS	<p>Magnolia Lodge – Footpath Construction</p> <p>Council approve the repair and replacement of damaged paths at Magnolia Lodge, to be funded by a \$13,000 transfer from Council's internally restricted Building Reserve.</p>	<p>Preliminary work being organised, following which a contractor will be engaged.</p> <p>Contractor engaged, will be commencing in about 3 weeks. Parks & Gardens have been asked to prune garden on pathway to enable contractor to access.</p>

Minute No:	Officer to Action	Council Resolution	Action Taken
40/20	MES	<p>Lockhart Local Strategic Planning Statement</p> <p>Council:</p> <p>a. Note the report on the Draft Lockhart Shire Local Strategic Planning Statement (LSPS); and</p> <p>b. Endorse the public exhibition of the Plan for a period of 28 days.</p>	<p>Has been placed on Council's website for public exhibition.</p> <p>Complete.</p>
27/20	DCCS	<p>Tourism & Economic Development Steering Committee Meeting – Wish List</p> <p>Consideration be given by Council to allocate funds in the annual budget to provide scope to leverage available funding for larger infrastructure grants.</p>	<p>Council has resolved to include an allocation in the 2020/21 Budget to develop a short list of projects to 'shovel ready status' for "grant application preparedness".</p> <p>Covered by minute no. 50/20 above.</p> <p>Complete.</p>
Ordinary Council Meeting held 18 November 2019			
292/19	DCCS	<p>Council Buildings – Dentist and Lockhart Museum</p> <p>Council approve part funding of works as detailed in the report to the Lockhart Museum building at 39 Urana St and the dentist building at 85 Green St Lockhart from Internal Reserves for Buildings for the amount of \$33,120.00.</p>	<p>Quotes have been received and purchase order has been provided to successful builder.</p> <p>DCCS advised works were to commence during the week after Easter however some issues with availability for asbestos removal have caused a delay.</p> <p>Fencing is in place to undertake works.</p>
Ordinary Council Meeting held 16 September 2019			
256/19	GM	<p>Lockhart Renewable Energy Project</p> <p>a) Having secured Commonwealth government funding totalling \$1 million for the Better Energy Technology Renewable Energy Project for Lockhart Township; and</p> <p>b) Having given 28 days public notice of its intention to do so:</p> <p>c) Hereby resolves pursuant to Section 356 Local Government Act 1993 to provide financial assistance totalling \$1 million to Better Energy Technology, in the same manner, i.e. progress payments, as Council receives the funding from the Commonwealth, and for the sole purpose of undertaking Stage 1 of the Lockhart Renewable Energy Project.</p>	<p>The Southern Regional Planning Panel has approved the DA for a solar farm and battery storage.</p> <p>Other aspects of Stage 1 are progressing with a further update provided in the May Council meeting Business Paper.</p>

*Lockhart Shire Council
Ordinary Meeting – 18 May 2020*

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 19 August 2019			
223/19	DEES	<p>Lockhart Caravan Park</p> <p>a) Endorses the proposed Lockhart Caravan park revised layout; and</p> <p>b) A further report be brought to Council in due course once a detailed costing can be provided.</p>	Work in progress. Fire-fighting services currently being designed.
210/19	TEDO	<p>Minutes of the TEDSC Meeting – Tim Fischer Statue/Lockhart Railway Station</p> <p>Subject to agreement by the authorised managers of the Lockhart Railway Station, expressions of interest for community or commercial purposes be sought from the wider community for the Lockhart Railway Station building.</p>	Advertisement placed in the Lockhart Shire newsletter and on social media.
Ordinary Council Meeting held 15 July 2019			
177/19	DEES	<p>Shire and Town Entrance Signs</p> <p>Council:</p> <p>a) Endorses the shire entrance and town sign proofs in principle;</p> <p>b) Refers the signs back to Council's Tourism and Economic Development Officer for further development and liaison; and</p> <p>c) A further report is brought to Council in due course prior to undertaking another round of community consultation.</p>	TEDO has received feedback from community organisations and a report for Council's endorsement of the final designs will be tabled at the next Council meeting.
Ordinary Council Meeting held 17 June 2019			
144/19	TEDO	<p>Minutes of the TEDSC Meeting – Public Art Projects</p> <p>A submission be requested from the artists Scott Nagy and Janne Birkner to undertake the Milbrulong Water Tower project subject to their quotation being within budget.</p>	<p>Funding secured.</p> <p>Art design finalised.</p> <p>Work on the mural is scheduled to commence on 26 May 2020.</p>

Lockhart Shire Council
Ordinary Meeting – 18 May 2020

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 15 April 2019			
77/19	DCCS	<p>Lockhart Medical Centre Community Services Building</p> <p>Council support the change of use to the Lockhart Medical Centre/Community Services, on the corner of Matthews and Hebden Streets in principle and provide a letter of landowner consent to a Development Application being lodged.</p>	<p>GM & DCCS met with Valmar's Coordinator - Fleet, Asset and Corporate to progress the matter with Valmar agreeing to provide plans prior to Council providing landowners consent to lodge a DA.</p> <p>Valmar are in the process of putting plans with proposed works together to present to Council for approval.</p> <p>Valmar have provided their proposed changes. Letters have been sent to property owners around the Matthews St premises informing them of the proposed change of use, with no replies received to date.</p>
Ordinary Council Meeting held 15 October 2018			
260/18	TEDO	<p>Minutes of the TEDSC Meeting – Water Tower Long Term Maintenance</p> <p>An agreed amount be held in reserve to enable future maintenance of the Lockhart Water Tower as and when needed.</p>	<p>A draft MoU has been prepared and referred to RWCC for comment following which it will be presented to Council for consideration.</p>
Ordinary Council Meeting held 16 May 2016			
109/16	DCCS	<p>Old Lockhart Railway Station Building</p> <p>Council to:</p> <ol style="list-style-type: none"> a) Seek to find a suitable use/tenant for the building b) Begin negotiations with JHR to hand building back, if suitable use/tenant not found within next 6 months. 	<p>No potential tenants have enquired. Promoting venue as a regional meeting site. Very little activity to date. Lockhart Central School has used for 2019 HSC exams. No enquiries for a permanent tenant.</p> <p>Correspondence forwarded to JHR to ascertain whether it would enforce the lease and require the lease to be paid out in full if Council was to terminate the Agreement.</p> <p>Variation to Lease being pursued to reduce rental.</p>
Ordinary Council Meeting held 20 April 2020 – Councillor Questions & Statements			
Questions & Statements	DEES	<p>Cr Walker - Drovers on Shire Roads</p> <p>Received a complaint about drovers on the road and asked who is responsible for compliance in these matters?</p>	<p>Confirmed that Local Land Services (LLS) are the permit issuers and are responsible for compliance. LLS notifies Council (Council's Environmental Officer) when permits are issued.</p> <p>Complete.</p>

Minute No:	Officer to Action	Council Resolution	Action Taken
	DEES	<p>Cr Walker - Roaming Cats</p> <p>Referred to the letter received from Mrs Jenkyn regarding cats, what is Council's response to this?</p>	<p>Advised that under the Companion Animals Act and Council's policy, the responsibility rests with owners to ensure cats are microchipped and registered. Cats must be housed securely to prevent roaming. Council would issue a notice under normal circumstances and cat traps are available for use.</p> <p>DEES has written to Mrs Jenkyn and advised her accordingly.</p> <p>Complete</p>
	DEES	<p>Cr Sharp - Road Signs</p> <p>Advised approaching the T-junction of Bidgeemia Road and Albury Rd at night, the black and white chevron signs are very faded.</p>	<p>Will investigate and take necessary action.</p> <p>Scheduled for repair in May.</p>
	DEES	<p>Cr Sharp - Road Signs</p> <p>Similarly notes that on County Boundary Road, northern-most corner – the yellow directional (chevron) signs are also very faded.</p>	<p>Will investigate and take necessary action.</p> <p>Scheduled for repair in May.</p>
	DEES	<p>Cr Rockliff - Verandahs in Lockhart</p> <p>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.</p>	<p>DEES investigated options with various providers. One Sight bird spikes provides a possible solution. Contacted Bird Spike Australia – awaiting response.</p>
	DEES	<p>Cr Rockliff - Parks & Gardens</p> <p>Noted nature strips in Ferrier St and quite a few other places have grass which would be over the top of a car bonnet.</p>	<p>Nature strips mowed on Ferrier Street. Complete.</p>
	DEES	<p>Cr Rockliff - Weeds</p> <p>Advised the "cat heads" and khaki weed infestations around town are causing issues for "gopher" owners, causing tyre punctures.</p>	<p>Considering clearing areas in vicinity of town centre. To be programmed.</p>
	DEES	<p>Cr Marston - Rods Rd Street Blade</p> <p>Enquired as to the progress of replacing this sign.</p>	<p>Advised this matter has been referred to Greater Hume Shire as it sits on the Olympic Highway and GHSC hold the contract for maintenance. Will follow up with Greater Hume Shire again.</p> <p>GHSC advised that they will take the appropriate action.</p>

Minute No:	Officer to Action	Council Resolution	Action Taken
	GM	<p>Cr Driscoll - Community Centre for The Rock</p> <p>Cr Driscoll advised the local Seventh Day Adventist church is for sale at \$139,000 for the church building and meeting hall and enquired if it is possible for this property to be considered as a community centre and perhaps look at a concept plan?</p>	To be considered in conjunction with minute 50/20 regarding grant application preparedness and 'shovel ready projects'.
	DEES	<p>Cr Day - Lockhart South Common</p> <p>Asked if there was a fire danger risk on the South (Cattle) Common, as there are currently no cattle on the Common to keep the grass down?</p>	<p>Advised he has met with Cr Day on site and does not believe there is an issue at this point. Discussion with management committee has taken place, barriers have been in place to restrict cattle from the levy bank whilst re-seeding was under way.</p> <p>Complete.</p>
	DEES	<p>Cr Verdon - Resident Enquiry</p> <p>Has been approached by a landholder, asking if it was possible to discover when the residence was built.</p>	Information available for most residences. Owner can contact Planning.
	GM	<p>Cr Verdon - ZOOM Meeting Capability</p> <p>Would like Council to investigate the possibility of ZOOM meetings in the short term, and as a potential option for Councillors to attend meetings post COVID-19 if people are away, on business for example. Cr Verdon believes Council should be setting an example with social distancing.</p>	<p>All councillors have been invited to nominate if they intend to participate in council meetings remotely with appropriate arrangements put in place.</p> <p>Complete.</p>
Ordinary Council Meeting held 16 March 2020 – Councillor Questions & Statements			
Questions & Statements	GM	<p>Cr Walker - 9-Day Fortnight</p> <p>Asked if the shorter working week has been successful.</p>	<p>Advised that the six-month trial is currently under way and further advised that extended office opening hours have also been implemented. Picnic Race days and days between Christmas and New Year now must be taken from existing leave. Whilst a review of the trial period has not yet been undertaken, the General Manager reported that it was working satisfactorily at this stage.</p>
	DEES	<p>Cr Walker - Roads in the Mittagong Area</p> <p>Requested that the Director of Engineering and Environmental Services inspect Tootool Mittagong Road, Mittagong Yerong Creek Road and others in the vicinity as water ponding is becoming an issue.</p>	Road inspected and included in resheeting and grading program.

Minute No:	Officer to Action	Council Resolution	Action Taken
	DEES	<p>Cr Marston - Rods Road Signage</p> <p>Reported that the signage keeps going missing, could it be replaced please. It presents an issue for emergency services.</p>	<p>Advised he would investigate and take appropriate action.</p> <p>Matter referred to GHSC for action.</p> <p>GHSC advised that they will take appropriate action.</p>
	DEES	<p>Cr Day - Wattles Road</p> <p>Travelled this road recently and noted it is in quite an ordinary state with corrugations and needs some attention.</p>	<p>Advised that he would investigate and program any necessary works.</p> <p>Investigated and included in grading program.</p> <p>Road has been graded. Completed.</p>
	DEES	<p>Cr Verdon - Emily St</p> <p>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.</p>	<p>Advised he would investigate and take appropriate action.</p> <p>Liaised with Crown Land regarding works.</p> <p>Awaiting transfer of Crown roads.</p>
Ordinary Council Meeting held 3 February 2020 – Councillor Questions & Statements			
Questions & Statements	DEES	<p>Cr Verdon - Shipping Containers and Car Bodies in The Rock</p> <p>Requested that Council investigate the number of unauthorised shipping containers that have been installed on properties in The Rock township and also investigate the recent increased number of car bodies in Park St, The Rock.</p>	<p>Chapter for inclusion in Development Control Plan being prepared for Council's consideration.</p> <p>Some existing shipping containers are approved, however pre-date development controls.</p> <p>Completed.</p>
	DEES	<p>Cr Verdon - Risk of Falling Tree Limbs at The Rock Recreation Ground</p> <p>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.</p>	<p>Trimming scheduled for later in the year.</p>
	DEES	<p>Cr Rockliff - Lawn Cemetery, Lockhart</p> <p>Advised that residents are again concerned about the care taken of plots and sprinklers not working at the Lockhart Lawn Cemetery.</p>	<p>Still issues with controller. Contractor engaged to test and possibly replace controller prior to the next irrigation season.</p>

Minute No:	Officer to Action	Council Resolution	Action Taken
	DEES	<p>Cr Rockliff - Lockhart and The Rock Swimming Pools</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>	Quotes received, to be considered for inclusion in 2020/21 budget.
	DEES	<p>Cr Marston – CCTV</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>	Quotes received, to be considered for inclusion in 2020/21 budget.
	DEES	<p>Cr Douglas - Lockhart and The Rock Swimming Pools</p> <p>Commented that the new pools are great facilities for the Shire but he believes the contractor at each pool is being put at risk if working by themselves and he would like Council to consider hiring additional staff for security and safety reasons. Cr Douglas asked if going forward Council could consider amending contractual arrangements to stipulate that two people be present at all times during pool opening hours.</p>	<p>Contacted with Royal Lifesaving NSW and has reviewed Council's contractual arrangements.</p> <p>To undertake a risk assessment prior to establishing lifeguard ratios in accordance the 'Guidelines for Safe Pool Operation'.</p>
Ordinary Council Meeting held 16 December 2019 – Councillor Questions & Statements			
Questions & Statements	DEES	<p>Cr Day – Bridge over Brookong Creek, Lockhart and also New Culvert on Urana Rd</p> <p>Wished to clarify that he was actually asking for naming of the new culvert on Urana Rd to be named, but is also happy to add a request for Council to also consider naming the bridge over Brookong Creek, Lockhart (at the end of Green St) because of its proximity to the Greens Gunyah Museum.</p>	<p>Advised that he will investigate and provide a report to Council at a future meeting.</p> <p>Report included in May 2020 Business Paper.</p>
	DEES	<p>Cr Rockliff – Visibility Concerns at Intersection of Bidgeemia and Western Roads</p> <p>Advised that this intersection is currently dangerous and of concern due to poor visibility caused by overgrown vegetation.</p>	<p>Advised that he will investigate and advise. Road Safety Officer undertook safety assessment which was considered by the Traffic Committee.</p> <p>Works programmed for May.</p>

Lockhart Shire Council
Ordinary Meeting – 18 May 2020

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 18 November 2019 – Councillor Questions & Statements			
Questions & Statements	DEES	<p>Cr Rockliff – Mobility Scooters in Lockhart Township</p> <p>After observing a mobility scooter attempting to negotiate a railway crossing, enquired if Council could provide pathways for mobility scooters to safely negotiate railway crossings in the Shire townships?</p>	Referred to rail manager for advice.
	DEES	<p>Cr Rockliff – Walter Day Park, Lockhart</p> <p>Enquired if there is a problem with the sprinklers at Walter Day Park, as large sections of grass are dying off?</p>	Undertook some works. Further quotes received and works scheduled for later this year.
Ordinary Council Meeting held 16 September 2019 – Councillor Questions & Statements			
Questions & Statements	DCCS	<p>Cr Rockliff – Lockhart Golf Club</p> <p>Advised the Lockhart Golf Club is currently struggling with membership numbers and enquired if the possibility of the Club becoming a Section 355 Committee of Council could be investigated.</p>	<p>Advised that he will investigate and advise.</p> <p>Council staff have met with the Golf Club Treasurer. The Golf Club have not had a meeting to discuss and advise Council.</p> <p>Council contacted the Golf Club Treasurer recently, he said that he was still discussing this matter with the committee and no decision had been made. He was advised Council would not go any further unless Golf Club contacted Council.</p> <p>Complete.</p>
Ordinary Council Meeting held 19 August 2019 – Councillor Questions & Statements			
Questions & Statements	GM/ DCCS	<p>Cr Marston – Status of Work on the Second Oval, The Rock</p> <p>Enquired about the status of the work for the second oval at The Rock particularly with respect to commencing the project within 12 months of the grant being approved.</p>	<p>Arrangements being made to prepare the area at the western end of the Recreation Reserve for temporary use by the Pony Club to enable works to commence on the 2nd oval.</p> <p>Crown Lands have advised that the TSR on Old Trunk Rd is subject to an Aboriginal Land Claim. Council has made contact with NSW Aboriginal Land Council, awaiting response.</p>
	DEES	<p>Cr Rockliff – Possibility of Residents Living in a Shed on a Property in South Lockhart</p> <p>Advised that it had come to his attention that it may be possible that residents are living in a shed on a property in South Lockhart?</p>	<p>Advised that he will investigate and take appropriate action.</p> <p>Council staff are investigating.</p>

Minute No:	Officer to Action	Council Resolution	Action Taken
	DEES	<p>Cr Douglas – Nursery, The Rock</p> <p>Enquired if staff had received the letter of concern from Leo Driscoll regarding the nursery in The Rock?</p>	<p>Council staff investigated and confirmed that a letter was received from Leo Driscoll regarding a private water supply pipe. DEES contacted owner and met on site 9/03 – advised that pipe be underground – issued Road Opening Permit for submission.</p> <p>Received ROP and currently being assessed.</p> <p>Awaiting transfer of Crown roads.</p>
Ordinary Council Meeting held 20 May 2019 – Councillor Questions & Statements			
Questions & Statements	DEES	<p>Cr Verdon - Drain at Western End of Wilson Street and also Corner of Bretton and Urana Streets, The Rock</p> <p>Requested if these drains could be cleared?</p>	<p>Wilson Street cleared.</p> <p>Urana/Bretton Streets scheduled to be cleared in May.</p>
Ordinary Council Meeting held 15 April 2019 – Councillor Questions & Statements			
Questions & Statements	GM	<p>Cr Driscoll – Lockhart Shire Council Block of Land, Scott Street, The Rock</p> <p>Enquired of Council was planning to sell the block of land in Scott St, The Rock?</p>	<p>A review of Council owned land classified as “operational land” (including the Scott St block) has been completed.</p> <p>A report is being prepared for the 20 April 2020 Council meeting.</p> <p>Superseded by minute no. 70/20.</p> <p>Complete.</p>
Questions & Statements	DEES	<p>Cr Driscoll – The Rock Town Entrance Sign</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>	<p>Advised he will investigate and take appropriate action.</p> <p>DEES has discussed with GHSC and they are looking at if sign can be moved closer to the town.</p>
Ordinary Council Meeting held 19 November 2018 – Councillor Questions & Statements			
Questions & Statements	DEES	<p>Cr Verdon – Council Contribution, The Rock Recreation Ground</p> <p>Advised The Rock Recreation Ground receives an annual contribution funding of \$12,500 from Council and with electricity currently costing \$12,000 p.a., was wondering if Council could do and audit or assist in any way?</p>	<p>Advised there may be some upcoming opportunities for grant funding for solar and battery storage for Council buildings and he will investigate further and advise.</p> <p>DEES has been in contact with OEH about opportunities. Council to provide information to OEH.</p> <p>Still in discussions with OEH. This will be a work in progress.</p>

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 20 November 2017 – Councillor Questions & Statements			
Questions & Statements	GM	Cr Marston – Potential Purchase of Land for Development – Following completion of Carson Rd Development, The Rock, enquired if Council could look into the purchase of more land for development (using borrowings) – Shire-wide, but maybe concentrating on The Rock and lifestyle blocks in Yerong Creek, requesting this be put on the agenda for further discussion.	Discussions have been held with Council's agent and the availability of suitable developable land coming on to the market is being monitored. Land development at The Rock has also been submitted to the Riverina JO for inclusion in the Statement of Regional Priorities being developed by the JO.

18 May 2020 Council Meeting - Correspondence Sent to Councillors

Date sent to Councillors	From	Subject	File Ref
20/04/2020	ALGA	ALGA Weekly News dated 17/04/2020	A75-005
20/04/2020	Local Govt NSW	LG NSW "The Weekly" dated 17/04/2020	S20-020
24/04/2020	Local Govt NSW	LG NSW "The Weekly" dated 24/04/2020	S20-020
01/05/2020	Local Govt NSW	LG NSW "The Weekly" dated 1/05/2020	S20-020
04/05/2020	ALGA	ALGA Weekly News dated 1/05/2020	A75-005
05/05/2020	The Mayor	Mayoral Update re OLG Circular 20-14	D14-005
12/05/2020	ALGA	ALGA Weekly News dated 8/05/2020	A75-005
12/05/2020	Local Govt NSW	LG NSW "The Weekly" dated 8/05/2020	S20-020

Recommendation: that the information be noted.

Notes:

Staff Reports

STRATEGIC DIRECTION A: A Connected and Resilient Community

1. HILLTOP CARER ACCOMMODATION CENTRE – REQUEST FOR FINANCIAL ASSISTANCE (GM/D30-005)

Executive Summary

A request for financial assistance has been received from the Hilltop Carer Accommodation Centre and is tabled for Council's consideration.

Report

Hilltop is the charitable accommodation centre for patients and carers attending the Regional Cancer Centre situated adjacent to the Albury Base Hospital. The centre was established after the Rotary Club of Albury North, Fight Cancer Foundation, Lions District 201V6 and the Zonta Club of Albury-Wodonga joined forces to address the need for accommodation for cancer patients and their carers when attending Albury for treatment from the wider region.

Stage 1 of Hilltop was completed in 2012 and, according to the Fundraising Campaign Director, provides safe, comfortable, convenient and available accommodation for regional cancer patients and their carers at a vastly subsidised rate at what is otherwise an extremely difficult and stressful time.

The Campaign Director further advises that over a 24-month period, 893 families from North East Victoria and Southern NSW were assisted with 11,077 room nights provided. In the last 23 months some 156 'bed nights' were provided to residents of Lockhart Shire.

The success of Stage 1 is such that there are now frequent occurrences where the facility is "full" and Stage 2, comprising an additional 10 beds and other ancillary facilities, has been brought forward. The cost of Stage 2 is \$3.8 million of which the Albury North, Fight Cancer Foundation, Lions District 201V6 and the Zonta Club of Albury-Wodonga are seeking to raise \$1 million from the community. All councils in the regional catchment area whose residents have benefited from the accommodation facility have been approached as part of the fundraising campaign.

Donations of any amount will be accepted with gifts of \$5,000 or more being acknowledged on the perpetual honour boards.

Integrated Planning and Reporting Reference

- A2: Work with stakeholders to ensure our community is safe and well prepared to respond to adversity.
- A2: Provide and advocate for services that respond to the needs of our community.
- A2: Work with service providers and government to improve access to quality health, and medical life-stage facilities and services to meet the long term needs of the community.

Legislative Policy & Planning Implications

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

Section 357 of the Act provides that a council may exercise its functions within its area or outside its area, with the exception of its regulatory functions which may only be exercised within its area.

Budget & Financial Aspects

The Council's 2019/20 Budget allocation for financial assistance granted pursuant to Section 356 of the Local Government Act, amounts to \$52,100 of which approximately \$45,000 has been spent or is committed. The Fundraising Campaign Director has also indicated that donations can be pledged to be made in the next financial year.

Attachments

Nil.

Recommendation: for Council's consideration.

Notes:

STRATEGIC DIRECTION B: A Dynamic and Prosperous Economy

STRATEGIC DIRECTION C: An Environment that is Respected and Protected

2. LOCKHART RENEWABLE ENERGY PROJECT

(GM/E20-010)

Executive Summary

It has been the practice for Gordon Hinds of Better Energy Technology (BET) to attend Council meetings and provide regular updates on the progress of Stage 1 of the Lockhart Renewable Energy Project. Since the travel restrictions resulting from the COVID-19 pandemic were introduced he has been unable to travel to Lockhart and a written report prepared in consultation with BET is being tabled in his absence.

Report

Council will be aware that funding was secured under the Federal Government's Community Development Grants program to enable BET to undertake Stage 1 of the Lockhart Renewable Energy Project.

The first four milestone progress reports were submitted by the due dates and approved by the Department which then released the corresponding progress payment. The fifth and penultimate milestone progress report is due on 20 May 2020. This milestone report is required to demonstrate that Stage 1 of the project is now 90% complete.

However, whilst progress has been made since the previous milestone report, 90% completion has not yet been achieved due to delays caused by the COVID-19 travel restrictions and other factors.

Notwithstanding this the project continues to move forward with an update provided below on each of the activities included in Stage 1.

1. Development Application approval

At the last Council meeting it was reported that the Development Application (DA) for the solar farm and battery storage component of the project had been lodged, assessed, and referred to the Regional Planning Panel for determination. Since that time, the Regional Planning Panel held a public hearing into the DA on 14 April 2020. The panel subsequently met to consider the DA and any submissions made during the public hearing and resolved to approve the application subject to conditions. This aspect of the project is 100% complete.

2. Submission of market permissions to Australian Energy Market Operator (AEMO)

BET is consulting with AEMO about the project's potential to assist in grid stabilisation and power security and any subsequent fees that may be generated by offering such services i.e. Frequency Control Ancillary Services (FCAS). BET held meetings with AEMO in both Sydney and Melbourne. These discussions are ongoing. The final permissions can only be obtained once the plant is commissioned. The initial permission is to be 'an intending market participant' which BET proposes to lodge the relevant documentation by the end of May, completing this part of the project. In order to do that BET has enlisted a former employee of AEMO to assist and guide BET through the process.

3. Final detailed designs, technical optimisation and procurement plan

BET has engaged with Siemens to finalise the design for the solar farm and battery storage plant at Lockhart. BET has secured the following lead suppliers to the project:

- Samsung Batteries
- Yingli Solar modules
- Nclave Solar mounting systems
- Siemens inverters and control systems
- EDS for technical design of the integration of the Solar and Battery system to the grid and the interface for the Siemens control systems.

For the third stage of the development which entails a digester and methane generator, BET has recruited consultants experienced in that technology. BET now has a working design for the

digester and methane generator and is negotiating to secure a feed stock supply from Albury. To do that BET is using Active Research for Digester/Methane Design, installation and operation.

BET is now modelling the specific manufacturers' technology and ensuring it is compliant with the Essential Energy network and EPA requirements. This work is 70% complete and is expected to be finalised by the end of May, pending EPA approval.

4. Investment grade financial plan for stages 2 and 3 of the project

Over the past year BET has done initial financial modelling work in-house. To verify BET's modelling work, BET commissioned work from an independent firm. It was reported at the last Council meeting that an interim report prepared by the independent firm had confirmed the modelling previously done by BET and supports the project's financial viability. This aspect of the project is 90% complete and will be completed by the end of May. Current market conditions with the shutdown of much industry due to the COVID-19 pandemic has complicated the modelling process.

5. Legal agreements finalised, including lease arrangements

This work is ongoing. It will be completed by July as much of the remaining legal work surrounds the conclusion of all agreements.

6. Finalised connection agreement with Essential Energy

BET continues to meet with the operator of the electricity grid, Essential Energy, and has now clarified all aspects of the application process and has ensured that the detail supplied by BET meets Essential Energy's expectations and standards. This process is lengthy and involves considerable modelling to satisfy the technical constraints of the system. BET has, together with Siemens, now finalised the design of the interface (inverter sizes, protection settings, and other technical aspects of the connection process). It is the part of the project that will take the longest to complete. BET remains hopeful that an offer to connect to the grid will be made by July 2020.

7. Communication activities

BET and its planning consultants undertook community engagement activities during the period that the Development Application was on public exhibition, including community drop-in-sessions. Little has been done since that time as BET formed the view that while the COVID-19 pandemic remained in the media spotlight, any media promotion of the Lockhart project would be counter-productive. However, communication activities will be escalated in the short term including a dedicated website and Facebook page being established for the project. BET has added a social media team to promote the project and will be rolling out more media over the coming 4 weeks. The media team will deliver, over a period of three months, a combination of media tools to increase media attention and public knowledge and in so doing maintain community interest.

A further progress report will be provided at the June Council meeting either by Gordon Hinds, travel restrictions permitting, or a written report.

Integrated Planning and Reporting Reference

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

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

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

Legislative Policy and Planning Implications

Development Consent for the solar farm and battery storage has been given by the Southern Regional Planning Panel pursuant to the Environmental Planning and Assessment Act. Other aspects of the project require approval from the electricity grid operator, Essential Energy, and market regulators such as AEMO.

Budget and Financial Aspects

Stage 1 of the Lockhart Renewable Energy Project is being funded by a grant received from the Federal Government's Community Development Grants program. Progress payments are released to BET as they are received from the Government so there is no impact on Council's budget.

Attachments

Nil.

Recommendation: that the information be noted.

Notes:

3. PROJECT ENERGYCONNECT

(GM/E20-005)

Executive Summary

The construction of a new 330 kilovolt above ground transmission line between Robertstown in South Australia and Wagga Wagga in NSW is proposed and will pass through numerous local government areas including Lockhart Shire.

Report

Project EnergyConnect is a joint project between South Australia's electricity transmission network provider, ElectraNet and NSW's provider, TransGrid, and involves building a 900km long interconnector between South Australia and NSW that will allow power to flow between regions and provide for a greater mix of renewable energy. The project is also anticipated to generate significant economic benefits to the regional areas during the construction phase.

The current status of the project is that the proposed SA to NSW interconnector option has passed the cost benefit analysis stage and ElectraNet and TransGrid are now required to submit applications for project funding to the Australian Energy Regulator (AER) for assessment, with a decision expected from the AER in mid-2020. In the meantime, ElectraNet and TransGrid are continuing route refinement and environmental and planning assessment processes including social, environmental and engineering assessments, test drilling and the like.

Whereas the determination of the development application for the Lockhart Renewable Energy Project was taken out of Council's hands and referred to the Regional Planning Panel because it was deemed to be Regionally Significant Development, Project EnergyConnect has been declared Critical State Significant infrastructure and as a result the NSW section of the project will be assessed at a State Government level under the Critical State Significant Infrastructure process.

With respect to community and landholder consultations, TransGrid commenced a program of stakeholder consultation some months ago and a number of community drop-in sessions have been held in NSW local government areas at the western end of the route. Whilst it was planned to convene similar consultations in Lockhart Shire, the current restrictions around travel due to the COVID-19 pandemic, has meant that TransGrid's community engagement events have been on hold since March 2020.

An update was recently sought from TransGrid regarding its community consultation program. It was indicated that TransGrid will shortly be contacting potentially affected landowners directly before embarking on the broader community consultation regarding the proposed route. The nature of the broader community consultation will continue to depend on the COVID-19 restrictions.

The proposed timelines for the project are as follows:

- 2020 Ecological, geotechnical and other survey activity continuing.
Tender process.
- 2021 Environmental Impact Statement publicly exhibited and planning approval.
Land and easement acquisition.
- 2022-2024 Construction, commissioning, and testing.

In the meantime, members of the community wishing to obtain further information can call the project's community information line on 1800 49 06 66 or visit the project's dedicated website at www.projectenergyconnect.com.au/.

Integrated Planning and Reporting Reference

C1: Ensure responsible development practices are exercised.

Legislative Policy & Planning Implications

Project EnergyConnect has been declared Critical State Significant Infrastructure and as a result the NSW section of the project will be assessed at a State Government level under the Critical State Significant Infrastructure process.

Budget & Financial Aspects

Nil.

Attachments

Nil.

Recommendation: that the information be noted.

Notes:

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

4. ENGINEERING AND ENVIRONMENTAL SERVICES REPORT

(DEES/T10-005)

Executive Summary

Monthly report on engineering and environmental services matters.

Background Information

a) Works:

Urana Road (MR 59): Approximately 10.7 kilometres of Urana road shoulder widening works completed to date. Also completed table drains, batters and sealing. Linemarking scheduled for May.

Flood Detour Road: Culverts have been installed. Base and sub-base as well as drainage works mostly completed. Sealing scheduled for May.

Western Road (R2R): 3.7km of Western Road sealing has been completed with batters and signage installed in February 2020. Sealing scheduled for May.

The Rock Mangoplah Road: Completed.

Urana Road and Narrandera Road Intersection: Boxed out and gravelled. Sealing scheduled for May.

HVSP culvert upgrades: Culverts installed at Flood Detour Road and culverts ordered and delivered to site at Grubben Road, Lockhart The Rock Road and The Rock Bullenbung Road. Installation of culverts on Grubben Road commenced.

Grading and minor gravelling of unsealed roads: Continuing in accordance with the 12-month programme. Recently completed grading on Spanish Avenue, Forrest Lane, Crows Lane, Wattles Lane and French Park Bullenbung Road. Resheets are completed on Spanish Avenue and Lockhart Tip 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: The Road Safety Officer is continuing with the safety audit of roads within the Shire. The audit will form the basis of Council's Strategic Road Safety Plan and will be used for grant applications in the future.

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

Bridge Renewal Program: Investigating potential projects for the Bridge Renewal Program. Applications close 29 May 2020.

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

Road Safety Projects: Completed the 2019/20 road safety projects.

d) Traffic Committee:

Nil.

e) Lockhart Local Emergency Management Committee (LEMC):

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

f) Fleet:

All plant replacement in accordance with the adopted 2019/20 budget is completed.

g) Biosecurity and Environment:

Weeds: Inspections were carried out on residential, rural and commercial properties, which were selected due a change in ownership or to assess the effectiveness of applied control methods. The weeds most commonly found were Privet (*Ligustrum* sp.), Horehound (*Marrubium vulgare*), Bathurst burr (*Xanthium spinosum*), Coolatai grass (*Hyparrhenia hirta*), Silverleaf nightshade (*Solanum elaeagnifolium*), Lippia (*Phyla canescens*), Asparagus weed (*Asparagus* sp.), and Willow (*Salix* sp.).

No. 1 st Inspections	No. Re-inspections required	No. 2 nd Inspections	No. Biosecurity Undertakings Accepted	No. Biosecurity Directions Issued	No. 3 rd Inspections	No. 4 th Inspections
5	2	0	0	0	3	0

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

Common White Snail Baiting Program: Snail baiting application occurred on Fairview Lane on 8 April.

h) Parks and Gardens:

Capital Works: Works including the excavation of the nature strip between the footpath and the kerb, installation of crushed granite, boxing out tree sites, and planting and mulching new trees has been completed on the eastern side of Halliday Street, Lockhart from Hebden to Brookong Street. Works and the trees selected, *Acer negundo* "Sensation"; have duplicated the treatment used at the entrance of the swimming pool. Similar works are planned to start toward the end of May at The Rock Medical Centre, Day Street, along with some landscaping to tidy up a small section of the premises adjacent to the laneway.

Inclusive Playground, The Rock Recreation Ground: The finishing touches including landscaping, planting and installation of the perimeter fence are completed.

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

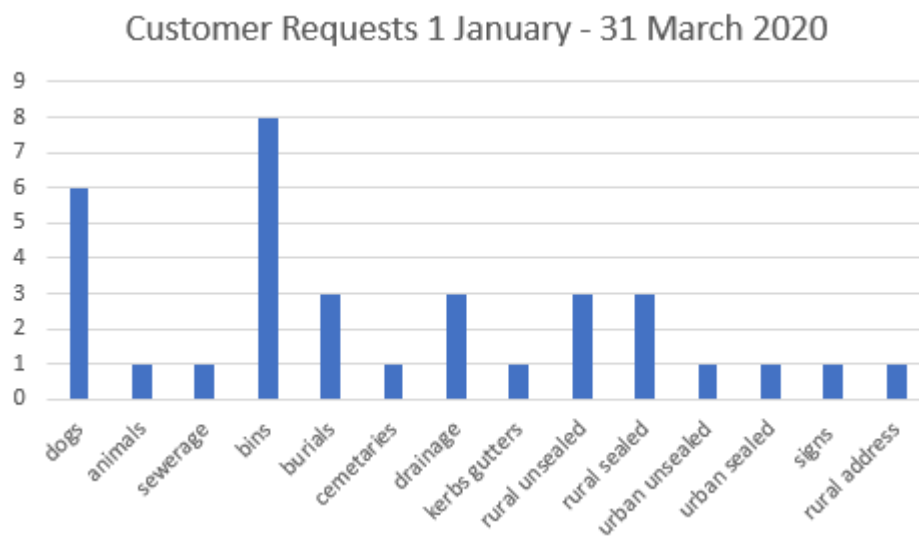
Weed Control: Khaki and Cathead are chipped and sprayed in known problem areas; recent rain has renewed growth and many areas will require follow up treatment. Assistance from residents in the form of reporting infestations or controlling outbreaks adjacent to their properties will help control weeds.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

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

- i) **Development Applications:** The following development applications were approved, with conditions, from 1 April 2020 to 30 April 2020.

DA No	Development	Applicant	Site of Development
29/20	Solar farm & batteries	Gordon Hinds Better Energy Technology	119 Lockhart Kywong Rd, Lockhart
39/20	New shed & carport	Jarrad Higginson	93 King St, The Rock
40/20	New 2 storey dwelling	Brent Freestone	26 Carson St, The Rock
43/20	New detached shed	Peter Ryan	39 Green St, Lockhart
49/20	New detached shed	Paul Mulholland	47 Hebden St, Lockhart

- j) **Customer Requests:** Engineering and Environmental Services received 34 customer requests from 1 January 2020 to 31 March 2020.



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 with the *Biosecurity Act 2015* and associated regulations.

Integrated Planning and Reporting Reference

C2: Flora and Fauna are protected across the Shire.

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

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

Budget and Financial Aspects

Will be conducted within Council's allocated budget.

Attachments

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

Recommendation: that Council notes the information provided in the Engineering & Environmental Services report.

Notes:

5. LOCKHART LOCAL STRATEGIC PLANNING STATEMENT

(MES/P25-030)

Executive Summary

This report presents the Draft Lockhart Shire Council Local Strategic Planning Statement (LSPS) to Council.

Report

At the March 2019 meeting, the draft Lockhart Shire Council Local Strategic Planning Statement 2020-2040 was presented to Council for consideration. The Statement sets out the 20-year vision for land use planning in the Lockhart Shire, outlining how growth and change will be managed to maintain the high levels of environmental amenity, liveability and landscape quality that characterises the local government area. It identifies the special characteristics that contribute to the local identity of the towns and villages within the Shire and recognises the shared community values to be maintained and enhanced.

The draft statement identifies 10 Planning Priorities to achieve the Council's vision for the Shire, along with actions and the means for monitoring and reporting on the delivery of these actions.

Council endorsed the draft Statement for public exhibition. Several submissions were received, mainly from State Government agencies, and these are listed accordingly.

Department of Planning, Industry and Environment – Local and Regional Planning Division

Congratulates Council for completing its draft Local Strategic Planning Statement (LSPS) for public exhibition. Council's draft LSPS acknowledges the many challenges and opportunities facing the Lockhart Local Government area and identifies key planning priorities to respond to these.

Cancer Council NSW

Cancer Council NSW strongly encourages Council to ensure the value of shade for UV radiation protection and other co-benefits are fully recognised in the vision for the LGA.

Department of Planning, Industry and Environment - Biodiversity and Conservation Division

Aboriginal cultural heritage

We encourage Council to develop a Priority in the Lockhart LSPS which addresses cultural heritage, including Aboriginal cultural heritage. The aim would be to better protect, conserve and manage Aboriginal cultural heritage in accordance with Goal 4 and Direction 29 of the Riverina Murray Regional Plan 2036.

Biodiversity

We commend Lockhart Shire for its commitment to maintaining and enhancing biodiversity in preparing the draft LSPS. We also recommend expanding the scope of Planning Priority 5 in line with Direction 15 of the Riverina Murray Regional Plan to protect and manage the environmental assets of Lockhart Shire. Doing so is likely to greatly enhance Council's capacity to exercise its duty to implement Part 7 of the *Biodiversity Conservation Act 2016*.

Natural Hazards – Flooding

Council is encouraged to apply for funding through the Floodplain Management Program to complete flood studies and FRMS&Ps for Yerong Creek, Milbrulong and Pleasant Hills if flooding is a concern for these localities. The Department also supports the review of flood modelling and updating of maps once all the recommended flood mitigation works are completed in Lockhart and The Rock.

The LSPS should also include an action that recognises the need to review and update flood related planning controls through its LEP and DCP using newly developed flood information.

Natural Hazards – Climate change

With regard to Planning Priority 1 – Protect agricultural land and grow agribusiness sector; consider referring to climate change data and assess the impact on agriculture via increased temperatures, number of hot days and changes to rainfall leading to more extreme floods and droughts.

With regard Planning Priority 2 – Promote opportunities for local employment; consider including actions 11.1 – 11.3 noted in the Murray Riverina Regional Plan 2036 under Direction 11: Promote diversification of energy supplies through renewable energy generation.

Consider implementing a range of urban design and land use planning strategies to minimise heat.

It is also recommended that Council consider Actions 28.1 – 28.4 under Direction 28 of the Riverina Murray Regional Plan 2036; deliver healthy built environments and improved urban design are considered.

Department of Planning, Industry and Environment - Place, Design and Public Spaces

Regarding resilient places, the Lockhart LSPS does not provide sufficient resilient/recovery actions, and would benefit from a more detailed outline of the risks faced in the region as a result of climate change, as well as inclusion of development controls to encourage adaptable and resilient buildings, and some analysis of the impact of drought and water scarcity in the region to help actions and decision-making.

Department of Planning, Industry and Environment – Crown Lands

Council must recognise the management framework for Crown land under the *Crown Land Management Act 2016* (CLM Act) and consider the objects of the CLM Act, including the principles of Crown land management provided by the Act. Planning priorities in Local Strategic Planning Statements must also align with any plans of management for reserved and dedicated Crown land. Any detailed plans, planning controls and policies pertaining to future uses of areas of Crown land must take into consideration and be consistent with the purposes for which the land is reserved or dedicated under the CLM Act.

NSW Department of Primary Industries – Agriculture

DPI generally supports the draft, in particular the reviews of the Rural Lands Study 2013 and the DCP, and introduction of Right to Farm policy. While DPI appreciates and supports the need for economic diversification, care should be taken to ensure key agricultural producers and supply chains are not impacted by land use conflict resulting from broader permissible uses in rural zones. A review of the Rural Lands Study may assist in identifying suitable locations for intensive farming enterprises and other diversified agribusiness land uses to ensure the continuation of strong agricultural production industries.

Heritage NSW

Supports the heritage-related initiatives in Lockhart Shire Council's LSPS, however reinforce the inclusion and consideration of Aboriginal cultural heritage in the LSPS and Council's Local Environmental Plan (LEP).

Transport for NSW

Transport for NSW confirm their commitment to work with Council on strategic planning matters that have potential interaction or implications to the classified road network. Transport for NSW reference their suite of strategic plans, including *Future Transport 2056*, the *Regional NSW Services and Infrastructure Plan*, and the *Freight and Ports Plan 2018-2023*. Priorities for Transport for NSW include protection of freight and logistics facilities and corridors, and some minor changes made to the LSPS could help support place-making outcomes, enhance transport outcomes and contribute to the economic development, housing and employment opportunities identified in the LSPS including through the LEP review process.

In summary, the agency feedback provided to Council on the draft LSPS is very supportive of the actions proposed by Council. Some recommendations may have merit if incorporated, while others are less significant. Upon consideration of the agency feedback, Council staff have incorporated some of the relevant recommendations as listed above, most especially relating to those from Transport for NSW

and the impact of the Olympic Highway on The Rock township. Realistically, and given Council's limited staffing resources, it is considered that those actions already presented in the draft LSPS are of highest priority to achieve good planning outcomes, and are most achievable for the life of the LSPS, given it is due for renewal in less than five (5) years. As such, a revised LSPS is presented to Council for final endorsement.

Integrated Planning & Reporting Reference

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

Legislative Policy and Planning Implications

Clause 3.9 of the Environmental Planning & Assessment Act 1979 requires each NSW Council to prepare and make a local strategic planning statement and review the statement at least every seven (7) years.

Budget and Financial Aspects

There are no immediate or adverse financial implications resulting from the development and subsequent implementation of the LSPS.

The LSPS does commit Council to the investigation, creation and delivery of the 'Priorities' via identified actions that are contained within the report. The financing of such actions is proposed to be through funding opportunities and via general revenue income.

Attachments

Draft Lockhart Shire Local Strategic Planning Statement – provided under separate cover.

Recommendation: that Council endorse the Lockhart Shire Local Strategic Planning Statement 2020-2040.

Notes:

6. VARIATION TO DEVELOPMENT CONTROL PLAN DA47/20 (MES/P25-010)

Executive Summary

Council has received an application for development involving the construction of a new detached colorbond shed at 5 Bond Street, Lockhart. 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 Lockhart village.

As part of this application, the developer proposes a shed wall height of 4.2 metres to the gutter (0.9 metres higher than what the DCP permits), with an overall shed height therefore exceeding the 4.5 metres restriction of the DCP by 1.5 metres. A written statement, application for variation to Development Control Plan (DCP), from the applicant confirms that the increased shed height will allow for storage of a boat, truck and caravan. The shed is proposed to be set back in the rear yard, with adequate distance to side and rear boundary.

In determining this request Council need to consider a number of variables which may influence the development.

Streetscape - the site of development is in the RU5 Village zone with frontage to Bond Street, a no through road. Although located in the rear yard of the allotment, there is no substantial landscaping or street trees to shield the proposed building from view.

Precedence – some sheds recently built on adjoining allotments have been granted a variation to Council's DCP shed height restrictions. Ample screening to existing homes and infrastructure on the southern boundary is provided by established trees and shrubs. Considering the size of the allotment the height of the shed will be unlikely to stand out with particular emphasis.

Objectives of the control requirements - with the taller walls and pitched roof design clad with a low-reflective, pre-finished material which is consistent in design with all existing buildings on the allotment corresponds well without being dominating. 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.

Integrated Planning and Reporting Reference

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

Legislative Policy and Planning Implications

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

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

Budget and Financial Aspects

Nil.

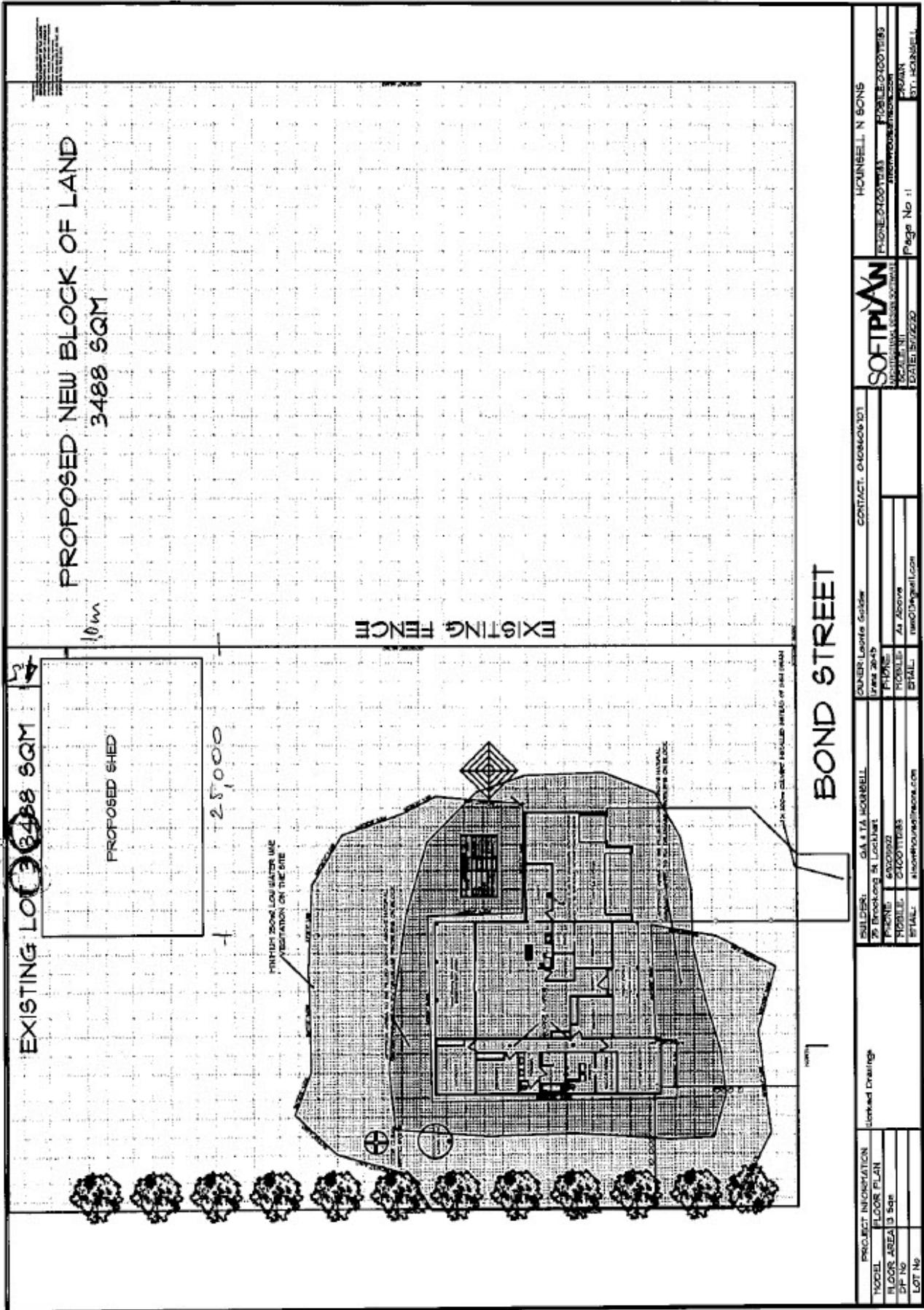
Attachments

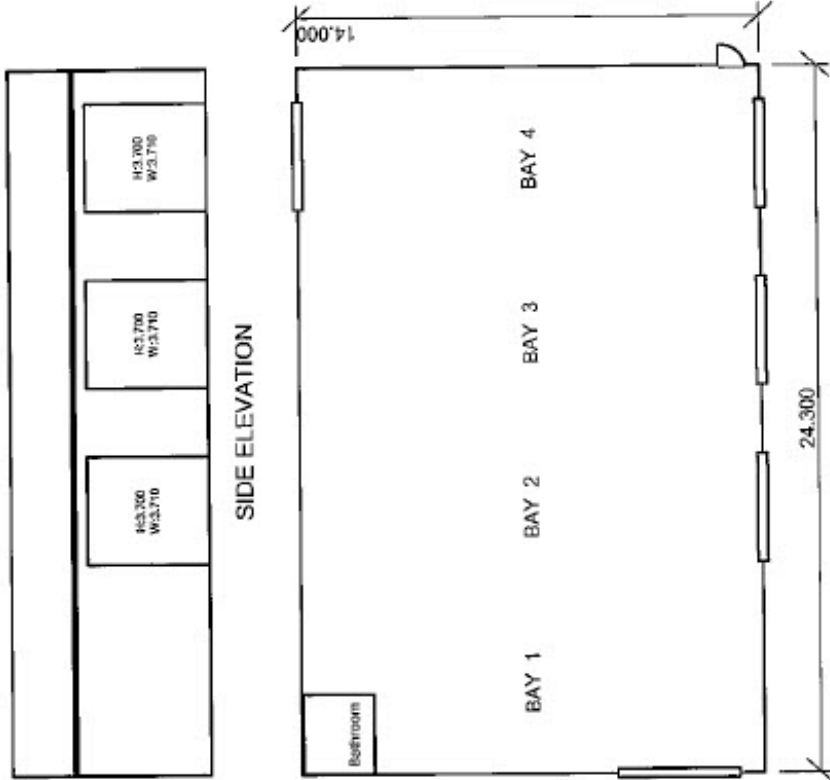
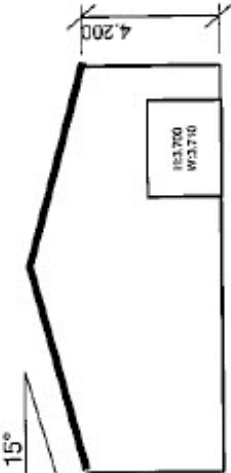
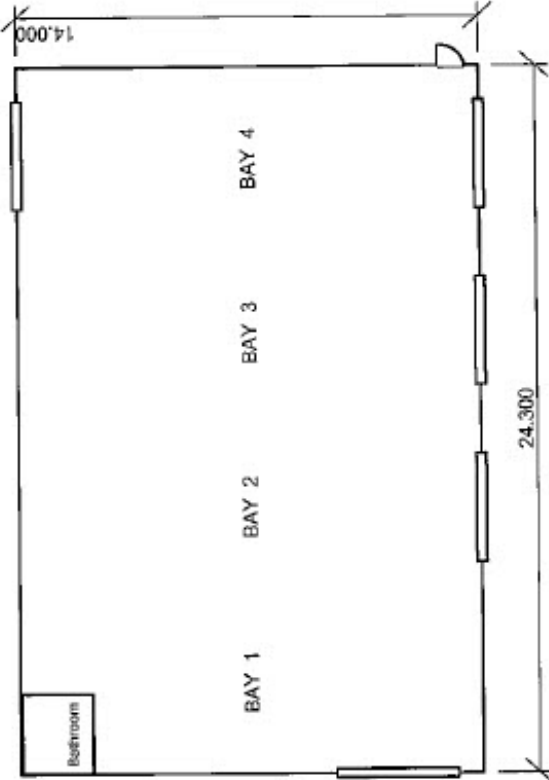
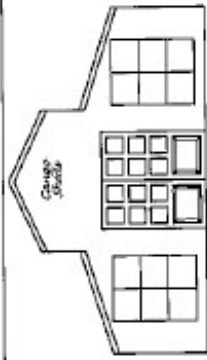
- Elevation and site plans
- Application for variation from applicant

Recommendation: that Council grant consent for a variation to the Lockhart DCP, thereby permitting an increased building height for a proposed new shed at 5 Bond Street, Lockhart.

Notes:

Item 6 – Attachment 1: Site Plan and Elevations



10 / BASE : 290 : WIDE : 210 : HOLES C/C ; PLINCH : 35 , 135 5 / APEX : 137 : LONG : 35 , 102 .	TOMO:81 mm , JAYDE :55 mm , SCOOTER:10 mm 10 / LEAVE PLATES : 250 long , 35,125,215,	 <p style="text-align: center;">SIDE ELEVATION</p>	 <p style="text-align: center;">LEFT ELEVATION</p>
 <p style="text-align: center;">PLAN</p>			WALL SHEETING: Shale Grey
ROOF SHEETING: Windspray		GUTTER TYPE: Surfmist	BARGE CAPPINGS: Surfmist
Roller Door : Surfmist		SIGNED BY OWNER.....	
BATTENS :150 , POSTS :300		DESIGN AND SYSTEM BY CANGO SHEDS	
SIGNED.....		ADDRESS: 5 Bond St , Lockhart , 2656	
CANGOSHEDS FRAME LAYOUT	SIMON HOUNSELL / 1	DATE: 31-MAR-20	ADDRESS: 5 Bond St , Lockhart , 2656

Item 6 – Attachment 2: Application for Variation



LOCKHART SHIRE COUNCIL

85 Green Street LOCKHART NSW 2868 PO Box 21 LOCKHART NSW 2868
Ph: (02) 8820 5305 Fax: (02) 8820 5247 Email: mail@lockhart.nsw.gov.au
Website: <http://www.lockhart.nsw.gov.au>

File P25-010, DA47/20

Application for Variation to Development Control Plan

1.	DA No: 47/20				
2.	Subject of Land: 5 Bond Street, Lockhart				
House No	5	Street	Bond St		
Town	Lockhart				
Lot		Section		DP	

Information for the applicant

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

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

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

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

DCP height ruling to be made taller

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

Wanting to make this shed taller than DCP guidelines due to fitting larger things in the shed like boats small

Trucks And or caravans the shed height needs to be above to fit roller doors

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

Due to all sheds nearby being much bigger then mine it would be unreasonable if the rules were applied to this development.

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

Any other considerations?

**7. NAMING OF BRIDGES – BROOKONG CREEK, GREEN STREET &
URANA LOCKHART ROAD**

(DEES/R40-055)

Executive Summary

It was requested that the new culvert on Green Street and the bridge on Urana Lockhart Road, over Brookong Creek, Lockhart be named. Transport for NSW will approve a naming proposal for a bridge or structure provided that the name has wide community support. It is proposed that Council advertises in Council's monthly newsletter requesting proposals for names for the new culvert on Green Street and the bridge on Urana Lockhart Road, over Brookong Creek, Lockhart.

Report

At the Ordinary Council Meeting held on 16 December 2019 Cr Day requested that the new culvert on Green Street and the bridge on Urana Lockhart Road, over Brookong Creek, Lockhart be named.

The Department of Customer Service, Spatial Services and the Geographic Names Board have statutory responsibility to establish, update, preserve and publicise place naming in New South Wales. The Geographic Names Board of NSW does not name bridges; however, it encourages all bridge naming to follow the guidelines as set out in the Geographical Names Board of NSW Policy – Place Naming. Local councils initiate the naming of bridges on local, regional and state roads (other than freeways). Transport for NSW approves these proposals.

Transport for NSW will approve a naming proposal for a bridge or structure provided that:

1. The name has wide community support.
2. An Aboriginal name has the support of local Aboriginal groups.
3. Consideration has been given to National and State commemorative initiatives involving the naming of new or key road infrastructure.
4. The name is consistent with Geographic Names Board place name criteria.
5. The design of the name plaque accords with Transport for NSW requirements.

The Geographical Names Board of NSW Policy – Place Naming sets out the universal naming principles (Section 6) and the selection of names (Section 9.2).

It is proposed that Council advertises in Council's monthly newsletter requesting proposals for names for the new culvert on Green Street and the bridge on Urana Lockhart Road, over Brookong Creek, Lockhart.

Integrated Planning and Reporting Reference

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

Legislative Policy and Planning Implications

The *Geographical Names Act 1966* recognises the importance of unambiguous and official place names. The *Geographical Names Act 1966* (Section 5), provides the Geographical Names Board of NSW with the powers and functions to assign names to places and approve that a recorded name of a place shall be its geographical name. However, the naming of bridges and other structures on roads does not have a formal legislative basis. Local councils initiate the naming of bridges on local, regional and state roads (other than freeways). Transport for NSW approves these proposals.

Budget and Financial Aspects

Council will be responsible for all costs associated with advertising and manufacturing and installation of plaques.

Attachments

Nil.

Recommendation: that Council advertises in Council's monthly newsletter requesting proposals for names for the new culvert on Green Street and the bridge on Urana Lockhart Road, over Brookong Creek, Lockhart.

Notes:

8. DEVELOPMENT APPLICATION 8/20

(MES/P25-010)

Executive Summary

Council have received a formal request from the landowner associated with development application DA8/20, to consider amendments to some conditions applied to the consent.

Report

At the ordinary meeting of Council in December 2019, Council considered an application for development consent for a 1200 sow 'farrow-to-finish' piggery at Lot 1 DP1250489, 591 Dick Knobels Road, Munyabla. The application DA8/20 was determined by Council as approved, with conditions.

Recently, the developer has written to Council to consider a variation to two of the assigned conditions (request attached):

Condition 4 'HEAVY VEHICLE MOVEMENTS'

"All heavy vehicle traffic movements to and from the site shall be via Semlers Lane only".

In the Environmental Impact Statement submitted with the application, the applicant stated that 'once the piggery is fully completed it will generate up to six truck movements per day (three in and three out)'. As such, condition 4 was assigned to the consent to restrict potential for road damage to one specific road. As a supplementary measure, Council also required the applicant to upgrade Semlers Road from Gravel Class 2 to Gravel Class 1 (as per condition 5 of the consent).

Clarification is sought with respect to condition 4, with the developer explaining that he, and some associates, lives on Dick Knobels Road and therefore have direct access to the development site without having to travel down Semlers Lane. As such, it is unrealistic to achieve full compliance with condition 4.

To clarify the matter, Council officers wish to confirm that, under such circumstances, it is entirely practical that some local heavy traffic must be able to access the site via Dick Knobels Road, and such activities are therefore permissible. However, for any other heavy vehicle movements, such as transport of pigs, feed or bedding that is not sourced from adjoining properties, they shall be made via Semlers Lane. This clarification will be confirmed with the developer.

Condition 8 'SECTION 94A LEVY DEVELOPMENT CONTRIBUTIONS'

"Prior to the issue of a construction certificate, a receipt for the payment to Lockhart Shire Council of Section 94A Levy Contributions shall be submitted to the Certifying Authority.

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

NOTE: This amount may change if there is a delay with payment of the levy, as the cost of works is to be indexed before payment to reflect quarterly variations in the Consumer Price Index (CPI)".

The developer has requested that Council consider the payment terms for the developer contributions applied by this condition. Citing the current economic climate and its impact on markets and supply chains, the developer proposes their preferred payment option:

1. Payment based on number of sows and associated growth of the piggery; and
2. Payment of the first instalment over a 3-year period.

Section 1.11 of the Section 94A Development Contributions Plan for Lockhart Shire Council deals with deferred and periodic payments of development contributions. Section 1.11 reads as follows:

“1.11 Can deferred or periodic payments be made?”

Deferred or periodic payments may be permitted in the following circumstances:

- *deferred or periodic payment of the contributions will not prejudice the timing or the manner of the provision of public facilities included in the works program;*
- *in other circumstances considered reasonable by Council.*

If Council does decide to accept deferred or periodic payment, Council may require the applicant to provide a bank guarantee by a bank for the full amount of the contributions or the outstanding balance on condition that:

- *the bank guarantee be by a bank for the amount of the total contributions, or the amount of the outstanding contributions, plus an amount equal to thirteen (13) months interest plus any charges associated with establishing or operating the bank security*
- *the bank unconditionally pays the guaranteed sum to the Council if the Council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work*
- *the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development*
- *the bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required*
- *where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contributions and accrued interest are paid.”*

While Council acknowledge the developer's commitment to the piggery development and the payment of contributions, the preferred payment option as presented above is not favourable to Council, for it results in a number of challenges. Not only does it require Council to physically regulate and enforce sow numbers, but there is also the risk that, should the piggery not expand to full capacity, Council will be unable to collect the full amount of contributions originally sought.

Therefore, and as an alternative to this payment option, Council would be satisfied if, after receiving a bank guarantee from the developer for the full value of contributions, the developer pays the contributions via quarterly instalments over a 12-month period. This alternate payment plan provides greater security to Council and is much easier to regulate.

Integrated Planning & Reporting Reference

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

Legislative Policy and Planning Implications

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

Budget and Financial Aspects

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

The calculation is as follows:

$$\$8,645,600 \times 1\% = \$86,456$$

Attachment

Letter of request from developer.

Recommendation: that, with respect to development consent DA8/20, Council:

- a) Note the clarification with respect to road access to the site from Semlers Lane; and
- b) Grant consent for the developer to pay outstanding 7.12 developer contributions over a one-year period, after receiving a bank guarantee for the full value.

Notes:

Item 8 – Attachment: Request for Amendment to Conditions

KBM Farms Pty Ltd

591 Dick Knobles Rd, Munyabla, NSW, 2658
0403343254
farmskbm@gmail.com

30/04/2020

Dear Lockhart Council Members,

KBM Farms is currently in the final stages of the piggery development and preparing to lodge our construction certificate and begin earthworks.

We would like the Council Members to please review two Conditions in regard to our Consent to Approval DA 8/20.

Condition 4. Heavy Vehicle Movements

All Heavy Vehicle traffic movements to and from the site shall be via Semlers Lane only.

We would like to amend this condition on the grounds that Shareholder Mathew Klemke lives on Dick Knobles Rd, 1.8km from the Piggery Entrance Corner. Matthew will provide carting services to the Piggery and will be required to drive down 1.8km of Dick Knobles Rd to gain entrance to the Piggery. Matthew will be using his truck to cart Pigs and Compost. He will deliver Feed and Straw to the Piggery Site. All of this will be down Semlers Lane. Matthew will also take compost and deliver his own grain to our Piggery Site.

We believe a reasonable amendment would be, that we are restricted to using Dick Knobles Rd past Matthew Klemke's Farm Entrance. Our intention is to comply and use Dick Knobles Rd as far as Matthews Farm Entrance and only as needed. We will use Semlers Lane as our heavy vehicle entrance and exit for all purposes.



Condition 8. Section 94A Levy Development Contributions

KBM Farms is required to pay Section 94A Levy calculation of 1% of the cost of development. The contribution to be paid has been calculated at \$86,456. Prior to the issue of a construction certificate, a receipt for the payment to Lockhart Shire Council 94A Levy contributions shall be submitted to the Certifying Authority.

There are two components of this Levy we would like you to consider.

1. The Development Levy is 1% of development for 1200 Sows, this equates to \$86,456. Our initial build will be 300 Sows, a quarter of the size of our approved developed site. I would like you to consider allowing us to pay a quarter of the \$86,456 ($\$86,456 / 4 = \$21,614$) as our initial Development Levy.
At each stage of expanding development, we would continue to pay the remaining Development Levy i.e. \$21,614 at 600 Sows, \$21,614 at 900 Sows and the last installment of \$21,614 at 1200 Sows.
2. We would like the council to consider allowing KBM to pay the proposed Development Levy over a period of 3 years. For example, 3 payments of \$7205 totaling \$21,614.

The current economic climate is uncertain and changing which is affecting markets and supply chains. This is affecting imports, transport, building materials, specialised piggery equipment among many other things. Our commitment to the development of this piggery remains and we are trying to soften our exposure to the above-mentioned risks. We would like the council to consider our proposal or provide an alternative payment schedule for the Development Levy that supports our commitment to the piggery development.

We appreciate you resolving these matters,



Kym Bisset
Managing Director
KBM Farms Pty Ltd

STRATEGIC DIRECTION E: Strong Leadership and Governance

9. INVESTMENT AND BANK BALANCES REPORT – 30 APRIL 2020

(DCCS/F10-010)

Executive Summary

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

Report

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

Cash at Bank

Opening Combined Cashbook Balance			1,714,317.95
Add: Total Receipts			
	Rates	66,239.30	
	Debtors	23,172.56	
	Miscellaneous	30,674.65	
	Interest	12,884.39	
	Redeemed Investment	1,250,000.00	
	BAS Refund	19,497.00	
	RMS - PAMP	9,000.00	
	PIP Round 2	44,370.00	
	Everyone can Play M3	30,000.00	
	RMS - Flood Mitigation	100,327.00	
	Library Grant	65,742.00	
			1,651,906.90
Less: Total Payments			2,305,653.85
	New Investments	1490-3015-0001	
Closing Combined Cashbook Balance			1,060,571.00
Closing Bank Statement Balance			
	Bendigo Bank		932,345.14
	Macquarie Bank		98,023.94
	Bendigo Bank-Prichard Trust		31,677.10
			1,062,046.18
Add: Outstanding Deposits			13,213.20
			1,075,259.38
Less: Outstanding Cheques			14,688.38
Closing Combined Cashbook Balance			1,060,571.00
	Investments:	Interest Rate per Annum	Amount Invested % of Total
	AMP RIM	1.75	500,000.00 14.49
	AMP RIM	1.40	250,000.00 7.25
	AMP/RIM	1.75	500,000.00 14.49
	Bendgio	at call	50,000.00 1.45
	BENDIGO	1.55	500,000.00 14.49
	Bendigo	1.20	400,000.00 11.59
	bendigo	at call	50,000.00 1.45
	CBT	1.43	500,000.00 14.49
	NAB	1.07	500,000.00 14.49
	T Corp	at call	200,000.00 5.80
			3,450,000.00
General Ledger Balances as at Month End			
FUND			AMOUNT
	General (PTD)	1490-3000-0000	815,502.88
	Combined Sewerage	8490-3000-0000	213,391.02
	Trust Fund	9991-3000-0000	31,677.10
			1,060,571.00
			1,060,571.00
		TOTAL FUNDS HELD ARE:	4,510,571.00

Integrated Planning and Reporting Reference

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

Legislative Policy and Planning Implications

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

Budget and Financial Aspects

Council's 2019/20 Operational Budget has forecast a total of \$165,000 income from interest on investments, being split between General Fund of \$145,000 and Sewer Fund of \$20,000. For the period of July 2019 to Apr 2020, the average end of month balance of funds invested has been \$5.715 million and the average return on invested funds has been 1.72%. Council's budgeted income on investments was adjusted down to a total of \$135,000 for the December 2019 Quarterly budget review .

Further review will be undertaken for the third 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) Regulations and Council's Investment Policy. The Internal and External Reserve amounts and Unrestricted Funds are estimate valued only, they are subject to change and review in part with the audit of Council's Financial Statements and each Quarterly Budget Review.

Recommendation: that,

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

Notes:

10. QUARTERLY BUDGET REVIEW – MARCH 2020

(DCCS/F10-010)

Executive Summary

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

Report

General Fund

When Council adopted the 2019-2020 Operational Plan Budget in June 2019 Council budgeted for a deficit of **\$17,783.00**.

Sewerage Fund

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

Integrated Planning and Reporting Reference

- E1: Council is strong, sustainable and able to stand alone.
- Plan for the long-term sustainability of the Shire.

Legislative Policy & Planning Implications

As per Integrated Planning and Reporting Guidelines.

Budget & Financial Aspects

The Quarterly Budget Review for the March 2020 quarter will be provided under separate cover prior to Council meeting.

Attachments

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

Recommendation: that:

- a) The information be noted, and
- b) The adjustments in income, expenditure and reserves in the March 2020 Quarterly Budget Review be adopted.
- c) The carried forwards and revote as reported are funded from Reserves be adopted.

Notes:

11. APPOINTMENT OF COUNCIL DELEGATES

(DCCS/D10-005)

Executive Summary

The opportunity is provided to review Council's delegates appointed to various committees and external organisation, in view of the local government elections being postponed, and in order to provide clarification in relation to obligations to declare conflicts of interest that may arise from time to time.

Report

It has been the practice for Council to appoint its delegates to various committees and external organisations on which it is represented at the beginning of a new term of office. At the council meeting held in September 2016 immediately following the last local government elections, Council resolved to appoint the following delegates:

Committee/Organisation	Nominated Delegate/s
Riverina Water County Council	Cr Verdon
Riverina Regional Tourism	TEDO Cr Driscoll (alternate)
Eastern Riverina Noxious Weeds Advisory Group	Noxious Weeds Inspector, Cr Sharp (alternate)
Riverina Eastern Regional Organisation of Councils	The Mayor, General Manager, Deputy Mayor (alternate)
Riverina Regional Library	Cr Verdon, General Manager, Cr Marston (alternate)
Lockhart Progress Association	Cr Rockliff
The Rock Progress Association	Cr Driscoll
Pleasant Hills*	Cr Sharp
Yerong Creek Recreation Ground Committee*	Cr Douglas

Committee/Organisation	Nominated Delegate/s
District Emergency Management Committee	DEES Cr Day (alternate)
Lockhart Shire Local Emergency Management Committee	Cr Marston DEES
Riverina Fire Zone Bush Fire Management Committee	Mayor, Cr Walker (alternate) General Manager DEES (alternate)
Riverina Fire Zone – Service Level Agreement Liaison Committee	Mayor, Cr Walker (alternate) General Manager DEES (alternate)
Lockhart Floodplain Management Committee	The Mayor Cr Day
The Rock Floodplain Management Committee	The Mayor Cr Verdon Cr Marston
Magnolia Lodge Tenancy Advisory Committee*	The Mayor Cr Rockliff
Tourism and Economic Development Committee*	Cr Gail Driscoll, Cr Derek Douglas,
Lockhart Shire Traffic Committee	DEES Road Safety Officer (non-voting)
Police Community Consultation Group	The Mayor Cr Verdon General Manager
Youth Engagement Strategy	Cr Driscoll, DCCS Youth Officer
Spirit of the Land Lockhart Inc.	The Mayor, Cr Day
Country Mayors Association	The Mayor, General Manager
Local Health Advisory Committee	General Manager
Murray Darling Association	Cr Verdon, The Mayor Cr Douglas (alternate)

* Section 355 Committee

It was proposed to, once again, consider Council's appointed delegates in September 2020 following the local government elections. However, as Council will be aware, the elections have now been postponed to September 2021 because of the COVID-19 pandemic.

It will be noted that four of the Committees listed above to which delegates have been appointed are Committees of Council established pursuant to Section 355 of the Local Government Act, namely the Pleasant Hills, Yerong Creek Recreation Ground Management Committee, Magnolia Lodge Tenancy Advisory Committee and the Tourism and Economic Development Steering Committee.

There are another 13 Section 355 Committees established by Council to which a Council delegate does not appear to have been appointed and which are listed below.

- Bidgeemia Hall Committee
- Lockhart and District Historical Society
- Lockhart Recreation Ground Committee
- Lockhart Showground and Racecourse Management Committee
- Milbrulong Hall Committee
- Osborne Recreation Ground Committee
- Pleasant Hills Recreation Ground Committee
- The Rock Hall Committee
- The Rock Recreation Ground Management Committee
- The Rock Showground Management Committee
- Tootool Recreation Reserve Committee
- Tootool Roadside Rest Stop Committee
- Yerong Creek Hall Committee

It is not being suggested that it is necessary to appoint a Council delegate to all Section 355 Committees as some are not as active as others and some may not meet very regularly. However, Council may wish to consider which Section 355 committees it would like to have an appointed delegate to. Bearing in mind that the purpose of the delegate is to be a conduit between Council and the Committee, consideration should be given appointing delegates to those committees which are more active and are more likely to have matters pertaining to the Committee's activities come before the Council. Experience has shown that these are more likely to be the recreation ground and public hall committees.

Integrated Planning and Reporting Reference

- E1: Meet all governance and regulatory requirements in the conduct of Council operations.
- E2: Provide effective community engagement practices with the community.
- E3: Advocate for the appropriate representation of the needs of the Lockhart Shire community at a state and regional level.
- E3: Promote strong and beneficial relationships between local government and service providers, other levels of government and the community.

Legislative Policy & Planning Implications

Section 5.14 of the Model Code of Conduct issued by the Office of Local Government and adopted by Council states that committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Budget & Financial Aspects

Nil.

Attachments

Nil.

Recommendation: that Council determine its delegates to any section 355 committees it considers necessary.

Notes:

12. POLICY 1.12 DEBT RECOVERY PROCEDURES

(DCCS/C70-025)

Executive Summary

A revised Policy 1.12 Debt Recovery Procedures is tabled for adoption by Council following public exhibition of the Policy

Report

Council's Policy 1.12 Debt Recovery Procedures has been reviewed and the revised Policy was tabled at the Council meeting held on 16 March 2020. At that meeting Council resolved to place the Policy on public exhibition for a period of not less than 28 days.

The Debt Recovery Procedures Policy enables recovery action if current rates are not paid by the due date and the outstanding amount is over \$600.00 unless arrangements have been made for payment by instalments.

The Policy was placed on public exhibition in accordance with the Council resolution. The public exhibition period has now concluded and no submissions were received. Accordingly, the Policy is tabled for adoption by Council. A copy of the policy is attached.

Integrated Planning and Reporting Reference

E1: Meet all governance and regulatory requirements in the conduct of Council's operation.

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

Legislative Policy & Planning Implications

In accordance with the Local Government Act 1993, authority for implementation of the Debt Recovery Procedures Policy is delegated by Council to the General Manager.

Budget & Financial Aspects

More effective and efficient management of Council's Sundry Debtors.

Attachment

Policy 1.12 Debt Recovery Procedures

Recommendation: that Policy 1.12 Debt Recovery Procedures, as presented, be adopted.

Notes:

Item 12 – Attachment: Policy 1.12 Debt Recovery Procedures

1.12 Debt Recovery Procedures

POLICY TITLE: DEBT RECOVERY PROCEDURES

FILE REF: A15-010

REVIEW DATE: MAY 2023

OBJECTIVES

1. Ensure effective control over debts owed to Council.
2. Be sympathetic and helpful to those ratepayers and other debtors suffering genuine financial hardship.
3. Fulfill the statutory requirements of the Local Government Act with respect to the recovery of rates and other debts.
4. Maximise cash flow.

POLICY STATEMENT

1. OUTSTANDING RATES

- 1.1 Recovery action shall be instituted if current rates are not paid by the due date and the outstanding amount is over \$600.00 unless arrangements have been made for payment by instalments either pursuant to Section 562 of the Local Government Act (the "Act") or by mutual agreement with Council's Officers when payment of rates would cause hardship.
- 1.2 Recovery action shall also be instituted for the recovery of outstanding rates, where one month after service of the rate notice there remains an amount outstanding from previous rating years and the ratepayer has not entered into a mutual agreement with Council's Officers as referred to in paragraph 1.1 to reduce the liability.
- 1.3 Recovery action may include letters, telephone calls, Reminder Notices or Notices of Demand, Summonses, Writs, Garnishee Orders, Section 569 Notices, Warrant of Apprehension, Notices to wind up a company and sale of land for overdue rates under Section 713 of the Act.

The process for the recovery of outstanding rates will consist of:

- i) An overdue notice from Council advising that the account is overdue and should be paid within seven days or legal action may be taken. The notice is to include an option to contact Council to make an arrangement in order to pay the account, should the ratepayer be experiencing difficulties meeting payments.

A similar notice is to be sent to pensioners. The notice will be termed a reminder notice and will carry appropriate terminology without referring to legal action at this stage. Refer to Policy Statement 3 for further information on recovery action for pensioners.
 - ii) Should the account not be paid within the fourteen days a letter is to be sent advising that legal action will commence unless the amount is paid within 7 days.
 - iii) Should the account not be paid within the seven days the account will be referred to one of Council's preferred Debt Collection Recovery Agencies or Council's Solicitors for Legal action to commence.
- 1.4 Ratepayers who because of hardship wish to enter into a mutual agreement with Council to pay rates by instalments, other than Section 562, shall supply to Council's Officers such information as is required by them to determine the matter.
 - 1.5 Where a ratepayer who has made arrangements to pay rates in instalments by mutual agreement with Council's Officers does not meet their full obligations under the agreement, the agreement is terminated and legal action shall be immediately instituted for the recovery of any outstanding rates.
 - 1.6 Any agreement entered into with a ratepayer for the payment of outstanding rates other than pursuant to Section 562 of the Act, shall endeavour to ensure that all rates outstanding are fully paid by 31st May of the rating year in which the agreement is entered into, and an agreement for payment of outstanding rates shall not extend beyond two years during which time all later levied rates shall be liquidated.

2. INTEREST CHARGES

- 2.1 Interest will be charged on overdue rates in accordance with Section 566 of the Act by the maximum allowable under the Act.
- 2.2 Extra charges may be written off in accordance with Section 567 of the Act by Council resolution or by delegation of authority to the General Manager.

3. REBATES/PENSIONERS

- 3.1 Eligible pensioners shall be required to pay the amounts of rates remaining following any statutory reduction in rates granted under the Act. Such amounts remaining may be paid by instalments pursuant to Section 562 of the Act.
- 3.2 Council's Officers shall take into account the limited income of eligible pensioners and may enter into a mutual agreement with them for the payment of rates by arrangement but within the rating years in which the rates were levied.
- 3.3 Where payment of rates is likely to cause extreme hardship to an eligible pensioner, the General Manager upon the recommendation of the Director of Corporate and Community Services may allow rates and interest charges to accrue against the property until the estate of the pensioner is settled.

Before allowing rates and interest charges to accrue against a property in accordance with paragraph 3.4, Council's Officers shall obtain from the ratepayer relevant financial and other details in order to determine that the payment of rates and interest charges would cause extreme hardship.

- 3.4 In relation to pensioners with outstanding debts, each case will be treated on its merits with a preference to deferring the debt given to the pensioner wherever possible.

4. SUNDRY DEBTORS

- 4.1 Monthly statements are to be forwarded to Sundry Debtors. Amounts outstanding for more than thirty days are to be regarded as overdue.
- 4.2 Where amounts are outstanding for more than thirty days credit or services may be stopped. Where it is not practicable to cease a service or credit, a letter (other than a statement) is to be forwarded to the debtor advising that legal action will commence should the debt not be finalised within fourteen days.
- 4.3 Where applicable recovery action is to be taken where amounts of \$100.00 or more are outstanding for more than sixty days. The account to be referred to one of Council's preferred Debt Collection Recovery Agencies or Council's Solicitors for Legal action to commence.
- 4.4 A monthly report on outstanding Sundry Debtor amounts to be provided to the Director Corporate and Community Services for review.

It be noted the use of external Debt Collection Agencies will only be utilised following Council's best internal efforts.

REFERENCE DOCUMENTS

This policy should be read in conjunction with the following documents:

- Policy 2.33 – Pensioner Concession.

*Confirmed by Council 18 May 2020
Refer minute xx/20*

Reviewed by General Manager in February 2017.

*Confirmed by Council 20 July 2009
Refer minute 246/09*

13. LOCAL GOVERNMENT (COVID-19) ECONOMIC STIMULUS PACKAGE (GM/H10-030)

Executive Summary

The NSW Government has announced a local government economic stimulus package to reduce the significant impacts of the COVID-19 pandemic on local councils across the State.

Report

The NSW Government has announced a comprehensive \$395 million local government economic stimulus package to reduce the significant impacts of the COVID-19 pandemic on local councils across the State. According to the Minister for Local Government the package is aimed at helping safeguard council jobs, boost infrastructure and service delivery, and trigger economic recovery in our local communities.

A summary of the various elements of the package is provided below.

Job Retention Allowance

The Government is funding a \$112.5 million Council Job Retention Allowance of \$1,500 per fortnight per qualifying employee for three months to limit job losses in the NSW local government sector. The State allowance is being provided since councils were deemed ineligible for the Commonwealth's JobKeeper Payment.

In order to access the Job Retention Allowance councils will be required to satisfy a number of conditions including being able to provide evidence to the Office of Local Government (OLG) of financial distress as a result of the COVID-19 crisis. OLG has advised that in order to demonstrate financial distress councils will need to be projecting a 30% reduction in own-source revenue each quarter, commencing with the 4th quarter of the 2019-20 financial year.

Based on the experience to date Lockhart Shire Council will not be required to access the Job Retention Allowance and would not satisfy the conditions for accessing it in any case.

Whilst the direct impacts on Council's revenue have also been limited, the volunteer based section 355 committees which manage facilities on Council's behalf will have lost revenue opportunities due to the COVID-19 restrictions and Council could give consideration to a one-off increase in the annual subsidy provided to these committees in the 2020/21 budget.

Emergency Services Levy

The NSW Government will fully fund the \$32.76 million increase in the emergency services levy (ESL) for all NSW councils for 2020-21. The amount of the increase relating specifically to Lockhart Shire Council is \$88,404. It is understood that retaining membership of the Joint Organisation will be a condition of accessing this assistance.

TCorp Loans

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

As part of the package, councils previously ineligible for TCorp loans will now be able to access the local government lending facility for the next six months. Lockhart Shire Council was declared financially fit for the future and as such was previously able to access the TCorp loan facility.

Showground Stimulus Funding

The NSW Government separately announced a \$25 million for local councils to rebuild and refurbish local showgrounds. Phase one of the stimulus funding had a very short turnaround time (the due date was ten days following the announcement).

Council officers consulted the Lockhart and The Rock Showground section 355 management committees and submitted funding applications by the due date. The outcome of the applications is expected to be known in early June 2020.

Integrated Planning and Reporting Reference

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

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

Legislative Policy & Planning Implications

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

Budget & Financial Aspects

The economic stimulus package, particularly with respect to the funding of the increase in the ESL, will be taken into account when preparing the 2020/21 Draft Budget.

Attachments

Nil.

Recommendation: that the information be noted.

Notes:

14. PREPARATION OF THE 2020/21 OPERATIONAL PLAN AND BUDGET (GM/I13-005)

Executive Summary

A revised timeline for the preparation and adoption of the 2020/21 Operational Plan and Budget is proposed following recent amendments to the Local Government Act in response to the COVID-19 pandemic.

Report

As verbally advised at the last Council meeting, regulations have been made under section 747B of the Local Government Act 1993 to temporarily modify the application of the Act in response to the COVID-19 pandemic. The regulations made under section 747B modify the Act as follows:

- To provide councils with a one-month extension:
 - To adopt their 2020-21 Operational Plan (including Revenue Policy, Statement of Fees and Charges and annual budget) before 31 July 2020;
 - To submit audited financial reports by 30 November 2020; and
 - For the preparation and publishing of annual reports by 31 December 2020.
- Councils have the option to delay issuing rates notices to ratepayers until 1 September 2020, and the collection of the first quarter rates instalment until 30 September 2020.
- The requirement for councils to make certain documents available for physical inspection at their offices has been modified to allow access to the documents to be provided remotely.

In addition to these temporary measures, in response to the closure of some local newspapers and to assist councils to reduce their costs, the Local Government (General) Regulation 2005 has been amended to remove requirements for newspaper advertising. Councils are now instead required to publish notices on their websites and in such other manner that they consider necessary to bring it to the notice of the local community or other interested persons. This amendment is not temporary and will continue to apply after the COVID-19 pandemic passes.

In order to give effect to the one-month extension referred to above the statutory deadlines for 2019-20 and 2020-21 have been modified as set out in the table below:

*Lockhart Shire Council
Ordinary Meeting – 18 May 2020*

Legislative Requirement	Prior deadline	New deadline
Submission of audited Financial Reports	31 October 2020	30 November 2020
Prepare and publish Annual Report	30 November 2020	31 December 2020
Adoption of Operational Plan	By 1 July 2020	1 August 2020
Making of a rate or charge	1 August 2020	1 September 2020
Date by which quarterly rates are payable	31 August 2020	30 September 2020
Quarterly budget review statements (QBRS)	The third quarter 2019-20 QBRS currently due May 2020	Third quarter QBRS 2019-20 QBRS now due June 2020 All future QBRS remain due as per Regulation.

In view of the legislative amendments and the one-month extension to the respective deadlines, the following timeframe is now proposed for the preparation and adoption of the 2020/21 Operational Plan and Budget:

Date	Action
18 May 2020	Workshop to consider impact of new valuations provided for rating purposes.
15 June 2020	Tabling of Draft 2020/21 Operational Plan and Budget for endorsement by Council for public exhibition.
17 June to 14 July 2020	Public exhibition of the Draft 2020/21 Operational Plan and Budget.
20 July 2020	Adoption of 2020/21 Operational Plan and Budget and making of rates and charges.
1 September 2020	Date by which 2020/21 rates and charges notices are issued.
30 September 2020	Due date for payment of first instalment of 2020/21 rates and charges.

The extended deadlines and revised timeline outlined above provides Council with the opportunity to convene a workshop to consider the implications of new valuations that will be used for rating purposes in 2020/21.

Pursuant to section 506 of the Local Government Act (the Act) the Minister for Local Government may, by order published in the Gazette, specify the percentage by which councils general rate income for a specified year may be varied.

The rate peg, as it is commonly known, is the maximum percentage amount by which a council may increase its general rate income for the year. The rate peg applies to general rate income in total, and not to individual ratepayers' rates. The rate peg does not apply to sewerage charges or waste management charges. The rate peg for the 2020/21 rating year has been set at 2.6%.

As stated earlier the rate peg applies to a council's general rate income in total, and not to individual ratepayers' rates. The amount an individual ratepayer pays depends on the rateable value of their land as supplied to councils by the NSW Valuer General. Updated valuations are provided to councils every four years. Therefore, every four years there is a redistribution of the rate burden based on the relative change in an individual ratepayer's property value.

Lockhart Shire Council recently received updated valuations that are required to be used for rating purposes in 2020/21 for the first time. This means that there will be a redistribution of the rate burden in 2020/21. It also means that, even if Council resolves to apply the rate peg of 2.6%, individual ratepayers' rates will fluctuate up or down by varying amounts that will not necessarily reflect the increase of 2.6% in Council's total rate income.

A snapshot of the degree to which land values have changed across all rateable assessments in the Shire is provided in the table below.

% Change in LV	<0%	0% - 5%	5% - 25%	25% - 50%	50% - 75%	75% - 100%	>100%
No. of Assessments	20	177	887	488	801	89	27
% of Assessments	0.8%	7.1%	35.6%	19.6%	32.2%	3.6%	1.1%
Average % change	-19.0%	1.9%	11.6%	34.3%	58.9%	92.0%	201.1%

More detailed information regarding the impact of the new valuations will be provided at the workshop.

Integrated Planning and Reporting Reference

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

Legislative Policy and Planning Implications

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

Budget and Financial Aspects

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

Attachments

Nil.

Recommendation: that Council adopt the following timeline for the preparation and adoption of the 2020/21 Operational Plan and Budget and issuing of the 2020/21 rates and charges notices:

Date	Action
18 May 2020	Workshop to consider impact of new valuations provided for rating purposes.
15 June 2020	Tabling of Draft 2020/21 Operational Plan and Budget for endorsement by Council for public exhibition.
17 June to 14 July 2020	Public exhibition of the Draft 2020/21 Operational Plan and Budget.
20 July 2020	Adoption of 2020/21 Operational Plan and Budget and making of rates and charges.
1 September 2020	Date by which 2020/21 rates and charges notices are issued.
30 September 2020	Due date for payment of first instalment of 2020/21 rates and charges.

Notes:

15. MEMBERSHIP OF REGIONAL ORGANISATIONS

(GM/R30-015)

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). Lockhart Shire Council, at its meeting held on 5 February 2018, passed a resolution approving the inclusion of the Council's area in a Joint Organisation to cover the Lockhart Shire and any one or more of the following council areas:

- Bland
- Coolamon
- Cootamundra-Gundagai
- Greater Hume
- Junee
- Snowy Valleys
- Temora
- Wagga Wagga

The other local government areas named in Council's resolution were at that time all members of REROC. Six of the other eight REROC councils passed similar resolutions and on 11 May 2018 RIVJO was proclaimed comprising the councils of Bland, Coolamon, Cootamundra-Gundagai, Greater Hume, Junee, Lockhart and Temora.

Snowy Valleys Council (SVC) resolved to align itself with the Canberra Region JO. Initially Wagga Wagga City Council (WWCC) did not resolve to join the RIVJO however more recently has reversed its position and has now been admitted as a member of RIVJO by virtue of a subsequent proclamation. Both SVC and WWCC resigned their membership of REROC.

The founding RIVJO member councils have taken 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.

Whilst 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.

Consequently, RIVJO adopted a Charter that includes as its principal functions the minimum required by the Local Government Act i.e.

- 1) *"Establish strategic regional priorities for the joint organisation area and develop strategies and plans for delivering these priorities";*
- 2) *"Provide regional leadership for the joint Organisation area and to be an advocate for strategic regional priorities"; and*
- 3) *"Identify and take up opportunities for inter-governmental cooperation on matters relating to the Joint Organisation area".*

Whereas the RIVJO was focused on strategic matters during this 'evaluation period', REROC continued to be responsible for the operational matters e.g. joint purchasing arrangements, resource sharing initiatives, collaborative projects etc.

The initial concerns regarding the cost of operating JOs were well founded as since that time all JOs across the State have repeatedly expressed concern regarding their financial viability. However, a letter co-signed by all JO Chairs from across NSW to the Minister for Local Government seeking ongoing funding for JOs has not yielded any positive results.

The concerns regarding the cost of operating JOs will only be exacerbated once amendments to the Local Government Act commence, mandating audit, risk and improvement committees, internal audit functions and risk management frameworks, as they will apply to JOs as well as councils.

The independent review commissioned by REROC and RIVJO into the operation of both organisations has since been completed by consultants Morrison Low. The Morrison Low report identified six structural options for moving forward which are summarised below.

Option	Summary Structure	Estimated Cost
1. Two Entities - REROC and RIVJO	This would be a continuation of the current arrangements.	\$458,793
2. RIVJO – Full Time	One organisation, being a JO with a full-time Executive Officer (EO) and two part-time support staff (14hrs for finance and 21 hours per week corporate support).	\$447,221
3. RIVJO - Part-time	One organisation, being a JO with a part-time EO (28 hrs per week) and two part-time support staff that would equate to one full-time staff member.	\$393,921
4. RIVJO – In-kind	One organisation, being a JO with a part-time EO (14 hrs per week) and two part-time support staff (7 hours per week finance and 14 hours per week corporate support). Member Councils provide governance support.	\$398,221 (plus Member Council in-kind support)
5. RIVJO - Delegation	One organisation, being a JO with a full-time EO and one part-time support staff (14 hours per week). All compliance and governance obligations delegated to a member council with the member council not charging for the service.	\$357,521 (plus Member Council providing services free of charge)
6. Incorporated association or company limited by guarantee	One organisation, being either an incorporated association (in accordance with the current REROC arrangement) or a company limited by guarantee with executive services contracted out.	\$308,000

The above options were considered by a Review Sub-committee which in turn made a recommendation to the respective REROC and RIVJO Boards.

It was generally agreed by Member Councils that the current arrangement of two separate organisations was not sustainable and the preferred option was for a single organisation going forward. In this regard Options 2 and 6 were shortlisted because both options would provide Member Councils with a single dedicated organisation that is not reliant on the Member Councils to deliver core activities such as compliance and governance. The new organisation would deliver both the strategic activities of the current JO and the operational activities undertaken by REROC.

After further consideration and weighing up the costs and benefits of the shortlisted options, both the REROC and RIVJO Boards have agreed that the preferred way forward is the creation of a new regional organisation structured as a company limited by guarantee (Option 6). In arriving at this position the following points were noted and considered.

- In considering Option 2 (RIVJO – full time) the Boards were mindful of the State Government's support for the JO model. The Morrison Low report also noted that a move away from the JO structure could jeopardise the Member Councils' ability to partner with the State on project delivery and that being part of the JO *"provides the best opportunity for the region to have a 'seat at the table' with the state government and agencies and to develop meaningful and sustainable relationships and partnerships, providing that the government remains committed to supporting JOs"*.

However it was also noted that after almost two years of operation, apart from the significant funding that has been invested in the Far West JOs, no infrastructure or service delivery initiatives have been specifically channelled through any of the JOs and to date there are none planned. The recent grant of \$150,000 to RIVJO for 'Capacity Building' is for specific projects and will not address the underlying structural deficits most JOs are experiencing because the funding cannot be used for "business as usual" operating costs.

- In considering the other shortlisted option (Option 6 - Incorporated association or company), it was noted that a company limited by guarantee, provides a leaner governance structure than the JO model, whilst providing a more robust governance framework than the incorporated association structure that REROC currently uses, and is considered more appropriate in view of the millions of dollars in public funding that REROC has managed.
- Concern also continues to be expressed with the level of governance and compliance required for the JO operations and concern that the JO will be caught by the introduction of the new audit, risk and improvement committee arrangements, further increasing costs. In comparing the cost of operating each option it was noted that Option 6 was \$140,000 per annum less than Option 2.

Accordingly, the REROC Board unanimously resolved that the preferred way forward is the creation of a new regional organisation structured as a company limited by guarantee.

The RIVJO Board passed a similar resolution by a majority vote with the WWCC being the only Member Council voting against this option. As stated earlier, WWCC has recently resolved to join RIVJO and supports the JO model.

The preferred option recommended by REROC and RIVJO was being referred to all respective Member Councils for their consideration (refer attached letter). However, things changed significantly when, subsequent to the REROC and RIVJO Boards passing the abovementioned resolutions, 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 states 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."*

At this stage this requirement appears to mean that councils who want to access the Stimulus Package funding must commit to funding their JOs for a period of two years, however clarification is being sought by the REROC and RIVJO Executive about this funding condition which only affects councils that are members of a JO.

The REROC and RIVJO executive acknowledge that Member Councils will not be able to make a decision on the best way forward until the issues associated with access to the Stimulus Package are resolved. However, the Executive is hoping that Councils will be in a position to at least consider the Board's recommendation in principal so as to provide the Executive with guidance in relation to its next steps. In this regard it is recommending 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.

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

The formation of a proposed new regional organisation structured as a company limited by guarantee will require ministerial approval. This is because section 358 of the Local Government Act states that “a council must not form or participate in the formation of a corporation or other entity, or acquire a controlling interest in a corporation or other entity, except with the consent of the Minister and subject to such conditions as the Minister may specify”.

In addition to the need to obtain the Minister’s approval, implementation of the recommended option will also require the following actions: -

- A new company limited by guarantee needs to be established. Application will need to be made to ASIC for registration of the new company;
- A new constitution for the company will need to be prepared;
- REROC will need to be wound-up. This could be done by applying to NSW Fair Trading to transfer REROC’s current registration to ASIC which would also allow all the assets of the organisation to transfer to the new company;
- The transfer requires the passing of a special resolution of the REROC Board;
- RIVJO was established by a Governor’s Proclamation and it is expected that any dissolution of the JO will need to be supported and facilitated by the NSW Government.

Budget & Financial Aspects

It is estimated that the above administrative and legislative processes may take up until the end of the current calendar year to implement which will have budgetary impacts for Member Councils. In addition, once RIVJO enters into another financial year it will be required to undertake all the compliance obligations for that year including the audit and the release of the Annual Performance Statement. Even if it performs no functions the JO will still be bound by its legislative obligations.

This means that next financial year membership contributions will still be payable to both REROC and RIVJO whilst transitioning to a new single entity. Under this scenario each member Council would not be invoiced up front for the whole financial year as would normally be the case but invoiced six months at a time.

Attachments

- Letter from the Chair of REROC and RIVJO dated 28 April 2020.
- A copy of the Morrison Low report referred to herein will be separately circulated to Councillors.

Recommendation: that Council

1. 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. makes 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.

Notes:

File Ref: R30-005/R30-025
Reg No. 33269
Rec'd 29/4/2020



29 April 2020

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

Dear Rodger

Review of the Riverina Joint Organisation and Riverina Eastern Regional Organisation of Councils Operations

I am writing to you in my dual capacities as Chairman of the Riverina Joint Organisation (RivJO) and Chairman of the Riverina Eastern Regional Organisation of Councils (REROC) in relation to the outcome of the above Review.

As you are aware, when the REROC Member Councils resolved to join the RivJO the decision was made on the basis that the operations of both organisations would be reviewed after 12 months of operation. Member Councils recognised that operating the two organisations side-by-side was not ideal but committed to the approach because the Members believed that it would facilitate a decision in relation to what the best way forward should be to achieve effective collaboration for our Region.

It was further agreed that the Review should be undertaken by an independent consultant. The RivJO commenced operating in October 2018, in late December 2019 the Boards of both organisations appointed Morrison Low to undertake the independent review. The firm commenced work in January 2020, the Terms of Reference for the Review were as follows:

1. Identify the strengths and weaknesses of REROC and the RivJO;
2. Measure and assess the compliance costs associated with the operation of both Organisations:
 - a. Identify the compliance regimes that apply to each
 - b. Determine costs associated with compliance including staff time and resources
 - c. Identify benefits of the compliance regime for each organisation;

3. Determine the minimum operating costs for both Organisations;
4. Measure and assess the cost of duplication associated with running both Organisations side-by-side;
5. Determine the most effective level of staff and resourcing for both Organisations;
6. Determine the opportunity cost of retaining both Organisations or losing one of them, including the implications for the Member Councils and the communities they represent; and
7. Make recommendations on the most efficient and effective way to represent the constituent councils and their communities to deliver the outcomes of in the areas of strategic planning and advocacy, as well as operational activities that benefit the Member Councils and by extension their communities.
8. Make recommendations for future operations including structures and budgets including identifying any constraints to implementing the recommendations.

A single sub-committee representing both Boards was created and tasked with responsibility of overseeing the Review. The sub-committee members were Cr Rick Firman, Cr John Seymour, Cr Abb McAlister, Cr Rodger Schirmer, Cr Neil Smith, Tony Donoghue, Ray Smith, Steve Pinnuck. I was tasked with responsibility for the day-to-day interactions with the consultants.

Morrison Low completed their Review in April, their Review Report (**Attachment One**) was initially considered by the sub-committee with a view to making a recommendation on the preferred way forward. The sub-committee met on April 17 to discuss the Review Report and to make recommendations. The outcome of those discussions is contained in **Attachment Two: Report to the Joint Organisation Board, Review of Operations of REROC and the Riverina Joint Organisation**

The sub-committee agreed that the best way to discuss the Review Report was at a joint workshop of the Riverina JO and REROC Boards. This Workshop was held on 23 April, 2020 with Mr Greg Smith and Mr Steve Bunting from Morrison Low attending to provide advice and respond to questions. A robust discussion ensued with all Members asking questions in relation to the Review Report and the recommendation made by the sub-committee.

At the conclusion of the Workshop it was agreed that sub-committee's recommendation would be taken to the meetings of both Boards for discussion and resolution. Subsequently, each Board considered the recommendation and both resolved as follows:

That as a result of the Review Process that the preferred way forward is the creation of a new Regional Organisation structured as a Company Limited by Guarantee.

The resolution will result in the creation of a single, regional organisation of councils under the governance of the Australian Securities and Investment Commission (ASIC). The vote to create the new organisation was not unanimous, but was passed 7 votes to one.

In resolving to take this pathway forward the Boards of both organisations acknowledge that there have been some significant successes with the operation of the Joint Organisation however, as is the case with many of the JOs in the rest of the State, the RivJO Board recognises that the JO structure is not financially sustainable. The current structure requires that either the State Government makes a significant on-going financial contribution to a JO's core operations or that Members increase their contributions significantly. The latter course of action is not desirable and the former, at least at this stage given current indications, seems unlikely.

The Boards acknowledge that the process of establishing a new organisation as a company limited by guarantee will require time and resources. However, the Boards of both organisations believe that the creation of the new organisation provides a compromise between the low level governance required by the incorporated association structure that dictates REROC's operations and the governance structure that applies to all JOs which mirrors those imposed on councils.

The new structure recognises the limits and resourcing of both REROC and the RivJO and provides members with a viable and we believe affordable way forward.

In making this recommendation the Boards of both organisations recognise that the proposed structure can only be put into place with the agreement of the Minister for Local Government. We propose making a request to the Minister to form the new regional organisation, if the majority of the current members of the RivJO and REROC resolve to take this direction. If the majority of the Member Councils of both organisations do not support the proposal then the Boards of both organisations will revisit the Morrison Low Report with a view to recommending a different pathway.

Further, I note that with the release of the COVID-19 Local Government Stimulus Package on 27 April 2020 circumstances have materially changed in relation to the operation of the JOs since the JO and REROC Boards met on 23 April. Information released by the OLG in relation to the Stimulus Package on 28 April states 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."*

At this stage this requirement appears to mean that councils who want to access the Stimulus Package funding must commit to funding their Joint Organisations for a period of two years. I have contacted our local State Members of Parliament and the LGNSW President to seek clarification about this funding condition which only affects councils that are members of a Joint Organisation.

The goal in this process is to deliver the best possible outcome for our member councils where they are represented by a sustainable, workable regional organisation. It is clear that councils will not be able to make a decision on the best way forward until the issues associated with access to the Stimulus Package are resolved. However we are hoping that councils will still be in a position to at least consider the recommendation and participate in discussions which will then provide us with guidance in relation to our next steps.

We are recommending that each council considers the following resolutions in relation to the proposed way forward:

- 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.**

A number of questions have been raised in relation to the proposed way forward and we anticipate that councillors considering the recommendation will have similar questions. Therefore, we have included an Appendix to this letter that highlights questions and provides answers. We trust that this will assist in the decision-making.

I look forward to working with Members to action this resolution and to continue the high level local government collaborations that the eastern Riverina Region excels in. If you would like to discuss anything contained in this correspondence please do not hesitate to contact me on mobile 0429 204 060.

Thank you for your on-going support.

Yours sincerely



Cr Rick Firman OAM
Chairman

PO Box 646
Wagga Wagga, NSW 2650

APPENDIX: QUESTIONS AND ANSWERS

1. What will the new organisation do?

The new organisation will combine the strategic and lobbying activities of the RivJO with all of REROC's operational activities into a single entity.

2. How much will this cost?

Morrison Low provided some costs for the new organisation, estimating the cost of a single incorporated organisation to be \$308,000 with estimated council contributions of \$269,000. This is indicative only and provides us with some guidance. If we move forward the Review sub-committees will be tasked with creating a final budget for the new organisation. It is not envisaged that the cost of the organisation will be in excess of the \$308,000 estimated by Morrison Low and the Boards of organisations are keen to try and reduce costs as much as possible.

The members of the JO Review sub-committee are: Cr Rick Firman (Temora Shire), Cr John Seymour (Coolamon Shire), Cr Abb McAlister (Cootamundra-Gundagai Regional), Cr Rodger Schirmer (Lockhart Shire), Cr Neil Smith (Junee Shire), Tony Donoghue (Coolamon Shire), Ray Smith (Bland Shire), Steve Pinnuck (Greater Hume Shire), Peter Thompson (Wagga Wagga) and CEO Julie Briggs.

The members of the REROC Review sub-committee are: Cr Rick Firman (Temora Shire), Cr John Seymour (Coolamon Shire), Cr Abb McAlister (Cootamundra-Gundagai Regional), Cr Rodger Schirmer (Lockhart Shire), Cr Neil Smith (Junee Shire), Tony Donoghue (Coolamon Shire), Ray Smith (Bland Shire), Steve Pinnuck (Greater Hume Shire) and CEO Julie Briggs.

Once a final budget is determined, then a contributions' regime will need to be determined, which will take into consideration any earned income, e.g. REROC has budgeted earned income of \$40,000 for the 20/21 FY. As was the case with this year's budgeting process it is expected that several contributions models will be projected, at a minimum there will be a model that uses a base charge and then a charge per head of population (as is the current approach with REROC) and one that is a flat rate contribution (as is the current approach for the RivJO).

While the Morrison Low Report included some contributions' projections, these were merely a guide. The Review sub-committees will prepare final recommendations based on the final budget and it will be a matter for the Members of both organisations to decide what approach is adopted in relation to the financing the organisation.

3. What is a Company Limited by Guarantee?

A company limited by guarantee is a specialised form of public company designed for non-profit organisations (NFP). In Australia companies limited by guarantee are subject to the *Corporations*

Act 2001 (Cth) administered by the Australian Securities and Investments Commission (ASIC). The structure designates an organisation as a separate legal entity. It can be sued, legally lease a property, enter into contracts or hold assets in its name.

Many NFP organisations choose to incorporate this way and the structure covers a wide variety of NFP activities. Examples of organisations that are incorporated this way are the Western Sydney Regional Organisation of Councils (WESROC), Regional Arts NSW, the Wagga Wagga Country Club, Junee Golf Club, Temora Trotting Club and the Riverina Conservatorium of Music.

The term company limited by guarantee refers to what occurs in the winding up of this type of company. The members of a company limited by guarantee must specify the amount they are willing to contribute to the property of the company on its winding up and this will determine, or limit, the liability of the company's members. The amount is usually a nominal amount for say \$10 and the amount is nominated in the company's constitution.

Companies limited by guarantee cannot distribute dividends to its members; however surpluses can be applied to the operational costs of the organisation reducing the contributions members make or to increase services provided.

4. *What does being governed by ASIC mean - is it very onerous?*

Many councillors will already be familiar with the operations of a company limited by guarantee and so will be familiar with their operations. The company reports annually to ASIC, must be independently audited, and there is a strict process to be adhered to in relation to the appointment and resignation of auditors. The company must distribute annual reports to its members and hold Annual General Meetings.

Much of what the company is required to do for ASIC mirrors what REROC is already doing as an incorporated association and consequently should not result in any significant additional burdens to the Members.

5. *How many votes will the council have?*

A constitution will need to be prepared for the new organisation. The groundwork on this will be undertaken by the Review sub-committees. Amongst other things, including the name of the new organisation, the Constitution must include the voting rights for the member councils. At the moment each full member of REROC has two votes and each full member of RivJO has one vote. Associate members (county councils) do not currently have a vote in either organisation.

It is a matter for the membership to decide how many votes each full member and each associate member of the new organisation will have.

6. *Will the Organisation still be able to access grant funding?*

Here we fall-back on our experience with REROC. REROC as an incorporated association has attracted grant funding in the millions of dollars from both Federal and State governments. It is anticipated that there will be no change with a company limited by guarantee.

There are some grants that are limited to local government which the new organisation may not be able to apply for. In the past when this situation has arisen with REROC, one of the member councils has agreed to auspice the grant (usually Coolamon Shire). In this situation REROC has prepared the grant documentation and it has been lodged under the auspicing council's name. REROC has undertaken the grant delivery and reporting and again this has gone in under the auspicing council's name. State and Federal agencies have been fully aware of the arrangement and have supported it.

Conversely, there are some grants that are only open to NFP entities, in these cases the new organisation will be able to apply whereas the member councils would not. Again, in the past this has been a situation that REROC has taken advantage of.

7. We will still have an open door to government?

Not every grouping of councils in the State is operating within the JO structure. Morrison Low noted that "currently, ROCs remain the preferred regional organisation in the Sydney metropolitan area".

It is not anticipated that our standing with either the State or Federal governments will be diminished in anyway because members choose to adopt a different structure for collaboration. Indeed, the ROCs in metro areas operate under a number of structures including companies limited by guarantee, incorporated associations and s355 committees.

It is my view that structure does not determine the level of engagement; rather it is the quality of the engagement. My recent discussions with the local State Members of Parliament indicate that a change of structure will not hamper engagement.

In relation to engagement at a Federal level, the structure that members choose for collaboration is unlikely to influence engagement with the Federal government, one way or the other. We have visited Federal Parliament twice in the last 18 months, once as REROC and once as the RivJO and there was no difference in the level of engagement with the Federal Ministers.

8. What happens to REROC and the RivJO?

If the Minister gives the Members permission to establish a company limited by guarantee the following will occur:

REROC

REROC would need to be wound-up. The easiest way to do this would be to apply to NSW Fair Trading to transfer REROC's current registration to ASIC. See <https://www.fairtrading.nsw.gov.au/associations-and-co-operatives/associations/closing-an-association/transfer-of-incorporation> This would allow all the assets of the organisation to transfer to the new company. The transfer requires the passing of a Special Resolution of the REROC Board.

RivJO

There is no process to wind-up a Joint Organisation. The JO is created by statute and therefore continues to exist even where there are no members.

It is our understanding that councils would need to resolve to cease their membership of the JO. We anticipate that councils would be expected to ensure that all the debts and obligations of the JO are fulfilled prior to its resignation taking effect. This will have some impact as the JO is currently delivering the Capacity Building Project which will not be completed until early 2021. This is a matter that will need to be negotiated with the OLG and will depend on timeframes relating to the establishment of the new entity

9. *What happens if things change with regard to the JO's funding*

All JOs, including the Riverina JO, are lobbying for the State to provide on-going core funding for JOs. This lobbying activity has been on-going with it gaining momentum when the 13 JO Chairmen wrote and signed a letter to the Minister on 31 May 2019. Since that time the Joint JO Chairs' Forum has consistently raised the issue with the Minister and the OLG and will continue to do so.

If the State makes a commitment to on-going funding then this will change the context in which the recommendation has been made. It will mean that the Boards of both organisations will need to re-visit the resolution and again determine what is in the best interests of the members. At this stage we can only make a decisions based on what we currently know, if circumstances change at any time in the future, then the Boards of both organisations will need to reconsider their respective positions.

10. *What is process for moving forward*

We have identified the following steps for moving forward:

- a) Letter to each of the Member Councils advising of the resolution, requesting that the resolution be considered at their respective May council meetings for discussion and adoption of a resolution by the individual councils.
 - i. If the majority of councils do not support the recommendation then both Boards will need to return to the Morrison Low Report with a view to making a recommendation that does have the support of the membership.
- b) Cr Firman makes contact with local State Members of Parliament, Steph Cooke Mp, Justin Clancy MP and Dr Joe McGirr MP to advise them of the adoption of the resolution and seek their support for the new direction.
- c) At the end of May, assuming that the majority of Members adopt the resolution, a delegation of Members approach the Minister for Local Government to seek her approval for the establishment of a Company Limited by Guarantee.
- d) Work commences on a Constitution for the new organisation.
- e) Assuming the Minister agrees to the establishment of the new organisation, we request direction as to the process by which Member Councils can resign from the JO.
- f) Both Boards meet in early June to finalise the decision.
- g) Member councils will continue to be informed as information comes to hand.

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.

Notes: