



# **BUSINESS PAPER**

**of the  
Ordinary Meeting  
to be Held  
13 February 2022**

**COUNCILLOR WORKSHOP COMMENCING AT 4PM.  
PRIOR TO THE COUNCIL MEETING**

**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

## **Acknowledgement of Country**

*Lockhart Shire Council acknowledges the traditional custodians of the land, the Wiradjuri people, and pays respect to Elders past, present and future, and extends the respect to all First Nations Peoples in Lockhart Shire.*

## **Statement of Ethical Obligations**

In accordance with Clause 3.21 of the Lockhart Shire Council Code of Meeting Practice councillors are reminded of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

### **Oath or Affirmation of Office**

I will undertake the duties of the office of councillor in the best interests of the people of Lockhart Shire and the Lockhart Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.

## **Webcasting of Council Meetings**

Councillors, officers and visitors in the public gallery are advised that, in accordance with Clause 5.33 of the Lockhart Shire Code of Meeting Practice, the proceedings of Council meetings are recorded, and an audio recording of each Council meeting is made available on the Council's website.

## ORDER OF BUSINESS

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## MAYORAL MINUTE

Nil.

## REPORT ON MAYORAL & COUNCILLOR ACTIVITIES

To be presented at the meeting.

## URGENT MATTERS

Nil.

## NOTICE OF MOTION

Cr Mathews has given notice that at the Council meeting to be held on 13 February 2023 he proposes to move the following motion:

*“That, in view of the shortage of rental properties and houses for sale in Lockhart Shire, Council seek to identify and engage with the owners of vacant houses, with a view to increasing the availability of housing in the Shire.”*

## COMMITTEE REPORTS

1. **MINUTES OF THE TOURISM & ECONOMIC DEVELOPMENT STEERING COMMITTEE HELD ON 8 FEBRUARY 2023**

Minutes will be made available prior to commencement of the Council Meeting.

**Recommendation:** That the Minutes be noted and the recommendations therein be adopted.

## DELEGATES' REPORTS

Nil.

## STATUS REPORT/PRÉCIS OF CORRESPONDENCE ISSUED

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

Minute No:	Officer to Action	Council Resolution	Action Taken
<b>Council Meeting held 19 December 2022</b>			
267/22	DCCS	<p><b>The Rock Medical Centre – Lease Renewal</b> That Council negotiates a monthly rental at an amount of up to \$1500 per month.</p>	In negotiations.
266/22	GM	<p><b>Opportunity to Purchase Commercial Property</b> That Council accept the vendor's offer to purchase the property situated at 97 Green Street Lockhart.</p>	Contracts have been exchanged.
265/22	GM	<p><b>Australia Day Awards 2023</b> a) That Council endorse the recommendations of the Australia Day Awards Committee regarding the 2023 Australia Day Awards; and b) That a review of the award criteria and nomination form be undertaken prior to the 2024 nominations being called.</p>	<p>a) Australia Day Awards presented to recipients on 26 January 2023. Complete b) Refer to separate report to Council (Staff Report 1) Complete</p>
262/22	DCCS/ DEES	<p><b>Operational Plan Budget – Vehicle Replacement Program</b> That Council: a) Adopt the Plant and Vehicle Replacement Program for 2023/24 and authorise the Director Engineering &amp; Environmental Services to order plant and vehicles for a July/August 2023 delivery, and b) Authorise the Director Engineering &amp; Environmental Services to approve and purchase vehicle(s) that meet the Fringe Benefits Tax exemption for a sustainable vehicle, prior to the vehicle(s) being replaced meeting the kilometre thresholds as per Policy 2.13 Light Motor Vehicles, and that the policy be amended accordingly.</p>	Complete.
261/22	GM	<p><b>Review of Organisation Structure</b> That, subject to the successful recruitment of a Director Planning and Environment, Council adopts the three-directorate organisation structure based on the distribution of functions as shown in the attached organisation chart.</p>	Recruitment process commenced.
260/22	GM	<p><b>February 2023 Council Meeting Date</b> That the date of the February 2023 ordinary Council meeting be changed to 5.00pm on Monday 13 February 2023 and that notice be given to the public of the change to the scheduled date.</p>	<p>Notice of the changed meeting date was given in the Council's Newsletter and via the website. Complete.</p>

*Lockhart Shire Council*  
*Ordinary Meeting – 13 February 2023*

<b>Minute No:</b>	<b>Officer to Action</b>	<b>Council Resolution</b>	<b>Action Taken</b>
258/22	DEES	<p><b>Local Environmental Plan Review – Local Housing &amp; Employment Strategy</b></p> <p>That draft Local Housing and Employment Strategy be placed on exhibition for public comment.</p>	<p>Notice of the public exhibition has been given in the Council's Newsletter and via the website.</p> <p>The Draft Local Housing and Employment Strategy has been made available at Council's office, Post Offices in the Shire and Council's website.</p> <p>Complete.</p>
<b>Council Meeting held 21 November 2022</b>			
238/22	DEES	<p><b>Lockhart Main Street Parking</b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>a) Allocate \$15,000 for the construction and installation of two disabled access ramps;</li> <li>b) Endorse the removal of the existing disabled car parking space on the south-western side of Green Street and move it to the south-eastern side;</li> <li>c) Remove the community parking space from the western end of Green Street and move it to in front of Valmar Community Services; and</li> <li>d) Liaise with Foodworks at The Rock to gauge their interest in jointly funding an all-abilities access ramp.</li> </ol>	<p>Work order issued.</p>
237/22	DEES	<p><b>Lockhart Airstrip</b></p> <p>That Council advertises, for 30 days, the closure of the Lockhart Airstrip and considers any submissions received.</p>	<p>Advertised in Dec-Jan newsletter, with submissions to close on 27 February.</p>
234/22	DEES	<p><b>Lockhart Main Street Bins</b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>a) Allocate \$30,000 for the replacement of existing bins in Green Street with general waste and recycling bin and enclosures.</li> <li>b) Replacement of bins and enclosures in remaining town centres be funded in the 2023/24 budget.</li> </ol>	<ol style="list-style-type: none"> <li>a) Bin enclosures ordered.</li> <li>b) Funds allocated in first quarterly budget review.</li> </ol> <p>Complete.</p>
226/22	TEDO	<p><b>Minutes of the Tourism &amp; Economic Development Steering Committee Held 8 November 2022</b></p> <p>Minutes of the Tourism and Economic Development Steering Committee be received and the recommendations therein be adopted, subject to the final design for the Tootool Exchange being approved by the Tootool Committee and the Tourism and Economic Development Steering Committee.</p>	<p>Both Committees have agreed. Final design is complete. TEDSC will provide recommendation to Council in February 2023.</p> <p>Complete.</p>

*Lockhart Shire Council*  
*Ordinary Meeting – 13 February 2023*

Minute No:	Officer to Action	Council Resolution	Action Taken
<b>Council Meeting held 19 September 2022</b>			
195/22	GM	<p><b>Model Media Policy – Consultation Draft</b></p> <p>That the information be noted and consideration be given to adopting the Model Media Policy when Council's current Media Policy 1.2 is scheduled for review in October 2023.</p>	Deferred for consideration in October 2023.
<b>Council Meeting held 15 August 2022</b>			
160/22	DCCS	<p><b>Lockhart Out of School Hours (OOSH) Care Service</b></p> <p>Council undertakes a 12-month trial period of Out of School Hours Care at Lockhart, under a single management structure for childcare services in the Shire.</p>	<p>OSHC Licence Agreement signed and returned to NSW Dept of Education – Infrastructure.</p> <p>Recruitment in progress. Working with Central School to set up Library.</p>
<b>Council Meeting held 18 July 2022</b>			
147/22	GM	<p><b>The Rock Community Centre</b></p> <p>Council:</p> <p>a) Authorises the General Manager to purchase Lot 2, Section 17, DP758971 in accordance with the updated valuation advice received by Council, and</p> <p>b) Request the General Manager to further investigate the possible purchase of Lot 2, DP1196082 Burke Street, The Rock.</p>	<p>a) Council's acceptance of the asking price has been conveyed to the vendor. Awaiting confirmation from vendor.</p> <p>b) Refer to separate report to Council (Closed Session Item 17) Complete.</p>
141/22	GM	<p><b>Request for Council to Purchase Private Access</b></p> <p>Council agrees to the request in principle subject to Council and the applicants agreeing to a reasonable cost sharing arrangement.</p>	Agreement has been reached on a cost sharing arrangement. Surveyors have been engaged to commence survey of land to be transferred to Council.
<b>Ordinary Council Meeting held 16 May 2022</b>			
109/22	GM	<p><b>Tender – 109 Green Street</b></p> <p>Council declines to accept the tender received from ASCO Group (Aust) Pty Ltd for the provision of public toilets at 109 Green Street Lockhart and seek separate quotations for the individual components of the project for the following reasons:</p> <p>a) Seeking separate quotations and being able to negotiate with different contractors for the different components of the project will provide more flexibility in seeking the most cost-effective solution bearing in mind that the funding approved under Round 4 of the Stronger Country Community Fund is less than the amount for which Council applied.</p> <p>b) Accepting the one tender that has been received for the public toilets without a contract in place for the community space component of the project will prove problematic as the community space and landscaping is critical to providing access to the public toilets.</p>	<p>Unsuccessful tenderer notified of Council's decision.</p> <p>Local builder engaged for the public toilets and individual quotations currently being sought for the landscaping component.</p> <p>Landscaping initial cost estimations exceed funding available. Next step is to re-scope landscaping work.</p> <p>Toilets construction is scheduled to commence in the coming weeks.</p> <p>Modular outdoor furniture and seating prices have been sourced. Refer agenda item QBRS.</p>



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Minute No:	Officer to Action	Council Resolution	Action Taken
<b>Ordinary Council Meeting held 21 March 2022</b>			
56/22	GM	<p><b>Development of Lockhart Industrial Estate</b></p> <p>Council prepares a subdivision application for the development of Stage 3 of the Lockhart Industrial Estate.</p>	Development application currently being prepared – surveyors engaged.
<b>Ordinary Council Meeting held 18 October 2021</b>			
180/21	TEDO	<p><b>Committee Minutes – TEDSC held 5 October 2021</b></p> <p>Minutes of the Tourism and Economic Development Steering Committee held on 5 October 2021 be received and the recommendations contained therein be adopted with the exception that an information board be erected at Lockhart Caravan Park.</p>	<p>Information board at Caravan Park to be included in list of locations yet to be scoped.</p> <p>New maps and signs are being progressed.</p>
<b>Ordinary Council Meeting held 16 August 2021</b>			
148/21	GM	<p><b>Proposed “Tim Fischer Way”</b></p> <p>Council to reinstate investigations into the erection of tourism signage indicating “Tim Fischer Way”.</p>	<p>Submission made to the Tourism Attractions Signs Assessment Committee.</p> <p>Plan to incorporate “Tim Fischer Way” touring route on new Visit Lockhart Shire website.</p> <p>New website now is live. Functionality to facilitate “Tim Fischer Way” touring route being developed.</p>
<b>Ordinary Council Meeting held 19 April 2021</b>			
63/21	GM	<p><b>Residential Development – Lockhart</b></p> <p>1) That Council proceed with the subdivision of Lots 62 and 90 Prichard Place Lockhart as outlined in the report.</p> <p>2) That the cost of subdividing the land be funded from the Infrastructure Reserve with the proceeds of any land sales to be returned to the Reserve.</p>	The development application for Lot 62 (westernmost lot) has been approved. The application for Lot 90 is still being processed as further investigation has been required regarding sewerage services to the site and compaction of a former dam on the site.
<b>Ordinary Council Meeting held 15 February 2021</b>			
9/21	DCCS	<p><b>The Lockhart Recreation Ground Management Committee – Request for Financial Assistance</b></p> <p>Approve an interest-free loan to the Lockhart Recreation Ground Management Committee of up to \$70,000 with repayments being Year 1 \$4,200 and the remaining 14 years will be repayments of \$4,700 to support an application to Building Better Regions Fund – Infrastructure Projects Stream – Round Five.</p>	<p>The Lockhart Football Netball Club have been advised the grant application has been successful. A report will be provided at a future Council meeting.</p> <p>Contractor engaged to source tenders/quotes.</p> <p>Project Consultant &amp; DCCS have met with preferred builder. Builder is amending/updating quotes as a result of clarifying items included in scope of works.</p>

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Minute No:	Officer to Action	Council Resolution	Action Taken
<b>Ordinary Council Meeting held 20 July 2020</b>			
133/20	GM	<b>Naming of Bridges – Brookong Creek and Urana Lockhart Road</b> 1. Propose the bridge on Urana Lockhart Road be named Brookong Creek Bridge. 2. Propose the culvert over Brookong Creek in Green Street, Lockhart, be named Greens Gonyah Bridge, Brookong Creek. 3. Write to Transport for NSW advising of the proposed names for the bridge on Urana Lockhart Road and the new culvert over Brookong Creek, Lockhart.	Advice received on 3/8/22 from TfNSW regarding requirement for consultation with Wagga Local Aboriginal Lands Council. Information forwarded to Wagga LALC and awaiting response. Follow up email sent.
<b>Ordinary Council Meeting held 20 April 2020</b>			
70/20	GM	<b>Review of Operational Land</b> Council adopts the following actions in relation to the review of land classified as “operational land”: <ul style="list-style-type: none"> <li>Approach the adjoining owner of the land situated at 2410 Albury Road, Urangeline regarding potential sale or transfer of the land.</li> </ul>	A valuation report has been commissioned and made available to the adjoining landowner.  Agreement has been reached for the sale of the land to the adjoining owner based on the market value as determined by the certified valuer.
<b>Ordinary Council Meeting held 21 November 2022 – Councillor Questions &amp; Statements</b>			
Questions and Statements	DEES	<b>Cr Verdon: Stormwater Drainage</b> Has received complaints regarding the large sheds at the corner of Yerong and Urana Streets where the stormwater pipes drop straight out onto the ground causing run-off problems for neighbours in the rear lanes with water ponding. Extensions are happening to the caravan storage area and the owner appears to have installed a drain which requires investigation.	To be investigated.
	DCCS	<b>Cr Verdon: The Rock Surgery</b> Advised an external wall near the parking area at the doctor’s surgery has been damaged and needs repair.	Contractor engaged to undertake repairs.
	DEES	<b>Cr Verdon: Disability Access</b> Referred to a letter received regarding access to The Rock main street for Emily Gardens residents and asked that the matter be given some attention.	Site meeting held. Work order issued to improve access.
	DEES	<b>Cr Marston: Wetmores Lane</b> Advised there is a damaged culvert about halfway down this road which is in need of repairs, similar to Grubben Road.	Barriers have been erected. Programmed when water dries out.
	DEES	<b>Cr Day: Access to Properties</b> Asked how Council assists residents with responses to emergencies when properties are cut off by floodwaters. Cr Day particularly referred to a resident on Hollies Road who has been isolated by flooding several times recently.	Council has made a submission for grant funding under the Fixing Local Roads to construct a culvert on Hollies Road.

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Minute No:	Officer to Action	Council Resolution	Action Taken
	DEES	<b>Cr Mathews: Housing</b> Referred to a recent article regarding the issue of non-resident owners and vacant homes and asked if there is any way of finding out how many vacant residences are in the Shire, to assist with the housing shortage.	Three vacant properties identified by Council staff. Refer to Notice of Motion.
	DCCS	<b>Cr Hunter: Tiled Wall outside The Rock Gym</b> Referred to a problem with tiles on the external wall of The Rock Pool near the gym and asked what was being done to rectify the issue.	Contact has been made with builders, with no response received at this time.
	DEES	<b>Cr Walker: Guardian Training (RFS)</b> Asked if training was undertaken by Council staff and if the offer of assistance to complete the funding application eventuated.	The Director advised that training in how to use the system did occur. The Director will seek further assistance when the next funding round is open.
	DEES	<b>Cr Walker: Roadside Drainage</b> Referred to a table drain between the bike path to The Rock Nature Reserve and the road where water constantly sits out over the road and the area is not able to be mowed and asked what could be done to rectify the issue.	Table drain clearing programmed. Will be added to program for culvert installation.
	DEES	<b>Cr Rockliff: Bidgeemia Road</b> Advised there is a wash-away on this road just down from Bidgeemia Hall and he has been approached by a local resident to ask could Council put a culvert in when repairs are done.	Road being repaired. Will be added to program for culvert installation.
<b>Ordinary Council Meeting held 17 October 2022 – Councillor Questions &amp; Statements</b>			
Questions and Statements	DCCS	<b>Cr Mathews: Minimising Social Isolation</b> Referred to a recent grant opportunity and advised he has spoken with some elderly residents who believe a lack of transport within Lockhart township, i.e. to access the supermarket etc, is a contributing factor to social isolation. Valmar have advised Cr Mathews they are unable to provide the service due to restrictions of the funding stream from Transport for NSW. Cr Mathews asked if there could be discussion with TfNSW to see if this might change.	The Director advised he would be happy to make representations to Valmar, and that a joint request to TfNSW could be possible. The Director also advised he could investigate other possible funding.
	DEES	<b>Cr Hunter: Drainage Issue, Yerong Creek Mangoplah Road</b> Referred to an issue with blocked drainage on Yerong Creek Mangoplah Road which caused problems in the rain event on Friday, 14 October and asked what action had been taken.	Works order issued for culvert widening. Further work to be carried out to improve drainage in front of school requiring engineering design and future budget.
	DCCS	<b>Cr Marston: Lease Arrangements – The Rock Public Watering Place (PWP)</b> Referred to the lease currently in place for the PWP and amendments made to allow Council to carry out drainage works. Cr Marston asked, now that works are complete, if a fence is going to be put in place, and further requested that the lessees receive a further amended lease, or clarification of requirements.	Lease amount was reduced on a pro rata basis of land made unavailable by the works. Investigations are continuing regarding requirements of fencing and funding.  Complete.

Lockhart Shire Council  
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Minute No:	Officer to Action	Council Resolution	Action Taken
	DEES	<b>Cr Verdon: Drain in The Rock Recreation Ground</b> Referred to a drain in The Rock Recreation Ground and asked that it be cleaned out.	To be completed when resources and weather conditions permit.
	DEES/ DCCS	<b>Cr Verdon: Disability Access Across the Shire</b> Referred to Kurt Fearnley's speech at the recent Lockhart Community Bank branch birthday celebrations. The speech was a reminder that people with disabilities are entitled to access. Cr Verdon suggested an audit be carried out, with a view to improving access across the Shire, making sure all Council facilities are accessible to all residents.	Audit will be undertaken when resources permit.
<b>Ordinary Council Meeting held 19 September 2022 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DEES	<b>Cr Marston: Drain – Yerong Street</b> Asked if the drainage pipe under Urana Street, along Yerong Street, has been decommissioned as was discussed with the former Director of Engineering & Environmental Services.	19/12/22 Contractor has confirmed the drain crossing Urana Street was not blocked off and the pit upstream of the box culverts crossing Yerong Street was maintained.  Complete.
	DEES	<b>Cr Walker: Carns Lane</b> Reported that due to water on the road a local resident is unable to use the road to remove grain from his property and asked what can be done. He enquired whether securing an additional grader once the weather is more suitable was an option.	The Director advised that the wet weather is having a major impact with respect to both minor repairs and heavy patching. He indicated that the structure of the engineering team is being reviewed, with the possibility of an additional grader crew being considered.
	DEES	<b>Cr Verdon: Aumanns Lane</b> Acknowledged that Aumanns Lane is an unconstructed road. However, local landholders require it for access and Cr Verdon asked if it can it be graded when dry.	Added to program for grading when weather permits and in line with surrounding roads.
<b>Ordinary Council Meeting held 15 August 2022 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DEES	<b>Cr Walker – Vincent Road</b> Advised this road is suffering badly from the ongoing wet weather and suggested Council could consider sealing the next 3-4km to alleviate some of the issues, possibly funded by future grant programs.	Included in most recent round of Fixing Country Roads program.
	DCCS	<b>Cr Marston – The Rock Recreation Ground</b> Referred to the drain behind the building at the Recreation Ground needs cleaning out, possibly as part of works for the Second Oval project. Cr Marston advised water is pooling in the drain and becoming stagnant.	DCCS asked if alternate arrangements could be made by the Committee with a local contractor/volunteer to carry out the works it would be appreciated in consideration of the already large workload Council's maintenance crews have due to the ongoing wet weather.

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Minute No:	Officer to Action	Council Resolution	Action Taken
<b>Ordinary Council Meeting held 18 July 2022 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DCCS/ DEES	<b>Cr Marston – The Rock Pony Club</b> Advised that pony clubs are now required to load and unload horses from their floats in an enclosed area and requested some minor improvements to facilitate this.	Meeting held with DEES, DCCS and Pony Club on 29 July. Cost estimate for minor works has been prepared.
<b>Ordinary Council Meeting held 20 June 2022 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DCCS	<b>Cr Hunter – Yerong Creek Bowling Club</b> Advised the Bowling Club are still awaiting receipt of an Occupation Certificate for the building.	An accredited certifier for Class 2-9 buildings has been engaged to review and identify outstanding works to be completed for the issue of an Occupation Certificate. Inspection completed and report has been received. Outstanding works being costed.
<b>Ordinary Council Meeting held 19 April 2022 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DCCS	<b>Cr Hunter: Connectivity</b> Asked if there were any outcomes from the recent meeting with the Regional General Manager of Telstra.	Council currently collating information on blackspots and connectivity issues across the Shire to provide to the NSW Telco Authority.  A survey for this purpose has been distributed to Shire residents and made available on Council's website.  Survey results to be presented to February 2023 Council meeting as part of TEDO's six-monthly report.
	DEES (GM)	<b>Cr Driscoll: German Church Road "Davidsons Hill"</b> Referred to the road being too narrow for heavy vehicles and the hill providing poor visibility. Cr Driscoll asked if something can be done on 500m of road in Lockhart Shire to where it meets the Wagga City Council boundary.	Cost estimate to be prepared and included in future budgets. Submitted in most recent round of Fixing Country Roads.
	DEES	<b>Cr Verdon: Pedestrian Crossing</b> Brought attention to the section of Urana Street at the post office, where heavy vehicles are causing major "shoves" impeding the travel of mobility scooters.	Requires substantial rectification works, to be included in heavy patching program.
	DEES	<b>Cr Verdon: Roads Budget</b> Asked that Council considers a widening project near "Ryans Hill" on The Rock Collingullie Road.	Submitted in most recent round of Fixing Country Roads.
<b>Ordinary Council Meeting held 10 January 2022 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DCCS	<b>Cr Driscoll: Technology</b> Referred to the address via Zoom by Council's auditor and asked if the equipment in the Council chamber could be upgraded to allow better connectivity for online participation in Council meetings.	Funds allocated in the 2022/23 Operational Plan Budget.  Quotes are currently being assessed.

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Minute No:	Officer to Action	Council Resolution	Action Taken
	DEES	<b>Cr Driscoll: Urana Street Median</b> Enquired whether it was possible to reclassify the median strip in the road reserve of Urana Street at The Rock as recreation space so the road does not need to be closed for events such as markets.	Median strip forms part of the road reserve and it is not a matter of classification of the land. Whether the road needs to be closed or not, and any other traffic management issues, for any event will depend on the nature and scale of the event and would be assessed in conjunction with the lodgement of an event management plan.
<b>Ordinary Council Meeting held 18 October 2021 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DEES	<b>Cr Marston: Sign, The Rock Recreation Ground</b> Referred to an information sign at the recreation ground which has information on both sides but can only be read from the footpath because of access issues, asked if the sign could be relocated nearer to the playground to allow both sides to be viewed.	DEES to follow up. Cr Driscoll referred to the Progress Association as the original installers. Progress Association have been contacted for location and new location agreed upon. Work to be programmed.
<b>Ordinary Council Meeting held 21 June 2021 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DEES	<b>Cr Driscoll: Community Reflection Space</b> Asked if it was possible the park across the road from The Rock Central School could be utilised as a place of quiet reflection for the town, particularly for those suffering the loss of loved ones due to suicide, which has had an impact on the community in recent years.	Park deemed appropriate for reflection space. Proponent to present proposal to Council for consideration.  Cr Driscoll met with the General Manager and Manager Parks & Facilities to progress the project.  Position agreed upon. Design to be finalised and costed. DEES following up with staff and contractors.

**Correspondence Received**

Date sent to Councillors	From	Subject
17 Jan 2023	Executive Assistant	ALGA News and Policy Round up dated 15 January 2023
17 Jan 2023	Executive Assistant	Details of Seniors Festival – 7 February 2023
20 Jan 2023	Mayor	Update – including details of Australia Day and successful grant applications.
3 Feb 2023	General Manager	Providing details of Open House at Avondale Place Respite, Henty
8 Feb 2023	Executive Assistant	LG NSW Weekly News of 31 January and 7 February
8 Feb 2023	Executive Assistant	ALGA News and Policy Round-Up dated 30 January 2023.

**Recommendation:** That the Status Report and Correspondence Précis be received and noted.

## STAFF REPORTS

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

#### 1. POLICY 1.27 AUSTRALIA DAY AWARDS

(GM: 22/17214)

##### Executive Summary

A new policy has been developed for the purposes of setting out the arrangements for receiving and assessing nominations for Lockhart Shire Council's annual Australia Day Awards and for determining the recipients of the Awards.

##### Report

Council at its meeting held on 19 December 2022 endorsed the recommendations of the Australia Day Awards Committee with respect to the 2023 Australia Day Awards and resolved that a review of the award criteria and nomination form be undertaken prior to the 2024 nominations being called.

To this end a new policy has been developed setting out the arrangements for receiving and assessing nominations for the annual Australia Day Awards and for determining the recipients of the Awards. Documenting the procedures in the form of a policy also enables Council to place the draft document on public exhibition and invite comment before formally adopting the policy.

The policy was drafted having regard to the Australia Day Council's award criteria and the approach taken by other councils.

A copy of the draft policy is attached and attention is drawn to the following points in particular:

- The Draft Policy provides separate criteria for determining eligibility and for assessing nominations received.
- All Citizen of the Year and Young Citizen of the Year nominees who meet the eligibility criteria and who, based on the assessment criteria are considered worthy, receive an Australia Day Award.
- The Citizen of the Year and Young Citizen of the Year are then selected from among the Australia Day Award recipients as the ones considered most worthy having regard to the assessment criteria for their respective categories.
- The age criteria for Young Citizen of the Year is shown in the Draft Policy as under 30 years of age. This is similar to some councils whilst other councils have opted for an age limit of under 25 years of age. An age limit of under 30 years of age has been incorporated into the Draft Policy to be consistent with the Australia Day Council's own awards criteria however Council is not bound to follow the Australia Day Council's criteria.
- Separate criteria have been developed for the Sportsperson of the Year.

##### Integrated Planning and Reporting Reference

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

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

E2: Provide effective community engagement practices with the community.

##### Legislative Policy & Planning Implications

Nil.

##### Budget & Financial Aspects

Provision is made in Council's Annual Operational Plan Budget for the hosting of the annual Australia Day celebrations and Awards ceremony.

##### Attachments

- Draft Policy 1.27 Australia Day Awards

**Recommendation:** That Council place Draft Policy 1.27 Australia Day Awards on public exhibition for a period of not less than 28 days and consider any submissions received

## Staff Report 1: Draft Policy 1.27 Australia Day Awards

### 1.27 Australia Day Awards

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POLICY TITLE: Australia Day Awards

FILE REF: SC221

EXPIRY DATE: April 2026

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#### OBJECTIVE

The objective of this Policy is to outline the arrangements for receiving and assessing nominations for Lockhart Shire Council's annual Australia Day Awards and for determining the recipients of the Awards. The Awards aim to recognise outstanding contributions to the Lockhart Shire community in the year immediately prior to receiving the award, as well as their past achievements and ongoing contribution to the community.

#### GENERAL PRINCIPLES

There are many in the community who volunteer their time and effort to support others and contribute to the overall wellbeing of the community and whilst not doing it in expectation of receiving any recognition or reward, recognising these efforts enhances the pride and self-esteem of the community and encourages volunteerism. Recognising the valuable contribution people make to their community is also consistent with the following strategies contained in the Lockhart Shire's Community Strategic Plan and the Council's Delivery Program:

- a) *'E1: Promote the increased participation of local people in local government and the community.'*
- b) *"E2: Provide effective community engagement practices with the community."*

#### AUSTRALIA DAY AWARD CATEGORIES

1. Nominations will be invited on an annual basis for the following Award categories:
  - a) Australia Day Award
  - b) Sportsperson of the Year
  - c) Young Citizen of the Year
  - d) Citizen of the Year
2. All Citizen of the Year and Young Citizen of the Year nominees who meet the eligibility criteria and who, based on the assessment criteria are considered worthy, shall receive an Australia Day Award.
3. The Citizen of the Year and Young Citizen of the Year shall be selected from among the Australia Day Award recipients as the ones considered most worthy having regard to the assessment criteria for the respective categories.
4. Council may in exceptional circumstances Award joint Citizen of the Year, Young Citizen of the Year and Sportsperson of the Year Awards.

#### ELIGIBILITY CRITERIA

5. Nominees for all categories must:
  - a) Be Australian an citizen
  - b) Fall within the following age categories for the respective Awards:
    - i. Young Citizen of the Year: Under 30 years of age
    - ii. Citizen of the Year: 30 years and over

Note: the age of the nominee must fall into the applicable category as at 26 January in the year the Award is given.



6. Reside in the Lockhart Shire Local Government Area at the time of nomination, or if not living in the Shire must have contributed to the Shire for a period of twelve (12) months or longer and who has demonstrated a record of providing beneficial services, to the Lockhart Shire community.
7. Unsuccessful nominees may be re-nominated in subsequent years.
8. Self-nominations will not be accepted.
9. Sitting state and federal politicians and current councillors are not eligible.
10. Retired politicians and former councillors are eligible. However, consideration of their nomination would be for their work over and above their official duties.
11. Persons who have been awarded a Citizen of the Year Award may not be re-nominated for an award for a period of five (5) years.
12. Council will not award a Citizen of the Year Award to the same person until five years has elapsed.
13. Awards will not be granted posthumously.

#### ASSESSMENT CRITERIA

14. In determining recipients of the Australia Day, Citizen of the Year and Young Citizen of the Year Awards nominees will be assessed against the following criteria:
  - a) The activities undertaken have a positive purpose and benefit to the community.
  - b) Outstanding achievement in a specific field, including but not limited to environmental, community engagement, welfare, arts and culture, leadership, charitable activities and civic responsibility.
  - c) The level of voluntary contribution beyond paid employment.
  - d) The length of activity or service.
  - e) The degree of challenges faced in a role and ability to go above and beyond.
15. The Sportsperson of the Year nominees will be assessed against the following criteria:
  - a) Demonstrated achievement in one or more of the following:
    - i. Good practice in sport and being a positive role model in sporting and recreational pursuits
    - ii. Encouraging membership and participation in sport
    - iii. Contributing to the outstanding management or administration of sporting activities
    - iv. Participating in official sporting or recreational duties in a voluntary capacity

#### DETERMINATION OF AWARD RECIPIENTS

16. An Australia Day Awards Committee shall be convened by Council each year for the purposes of assessing the nominations received and making a recommendation to Council as to the Award recipients.
17. The Committee shall comprise at least one councillor from each Ward.
18. The Committee's recommendation shall be presented to the December ordinary meeting of Council preceding Australia Day.
19. The Award recipients shall be determined by resolution of Council in closed session.
20. The Award recipients will be announced on Australia Day.

*Adopted by Council 17 April 2023*  
*Refer minute xxx/23*

2. **ROUND 5 – STRONGER COUNTRY COMMUNITIES FUND**

(GM: 22/17123)

Executive Summary

The NSW Government has announced the successful applications under Round 5 of the Stronger Country Communities Fund.

Report

On 5 August 2022 Round 5 of the Stronger Country Communities Fund (SCCF) was announced.

The funding available under Round 5 for projects in the Lockhart Shire Local Government Area is \$1,252,640. Of this amount \$861,190 is available to Council as the applicant with the balance of the allocation open only to eligible community organisations i.e. community organisations registered as incorporated associations and not-for-profit community organisations registered as public companies.

A Councillor Workshop was convened on 15 August to enable projects to be discussed and agreed upon for submission under Round 5 of SCCF. At the Council meeting held on the same day Council resolved to submit applications for the following projects:

• Christmas lights/decorations – Lockhart, The Rock and Yerong Creek	\$	100,000
• Pleasant Hills Tennis Club – Upgrade Tennis Courts & Lights	\$	110,000
• Implementation of Brookong Creek Masterplan	\$	120,000
• The Rock Rec. Ground Precinct – Community Centre	\$	<u>531,190</u>
		\$ <u>861,190</u>

Further information was subsequently received in relation to the program guidelines and funding criteria and it was clarified that the purchase of Christmas lights and decorations is not eligible for funding as the grant funds cannot be used for the purchase of non-fixed assets.

This information was reported to the 19 September Council meeting at which time Council resolved to submit applications as follows:

• Pleasant Hills Tennis Club – Upgrade Tennis Courts & Lights	\$	120,000
• Implementation of Brookong Creek Masterplan	\$	140,000
• The Rock Rec. Ground Precinct – Community Centre	\$	<u>601,190</u>
		\$ <u>861,190</u>

Advice has now been received that Council's application has been successful in relation to all three nominated projects.

Quotes will now be sourced for the upgrading of tennis courts and lights at the Pleasant Hills Tennis Club.

The Brookong Creek Masterplan is currently being prepared with progress reports to be provided through the Tourism and Economic Development Steering Committee to Council.

With respect to the proposed community centre at The Rock Recreation Ground further advice is awaited from the Crown Lands Office.

Integrated Planning and Reporting Reference

- A1: Provide support and advice to community groups, clubs, and volunteers.
- A1: Support cultural and sporting opportunities that respond to the needs of the community.
- A2: Support, or partner to provide, welcoming and well maintained community spaces and facilities.
- B1: Manage and improve the appearance of our towns, in line with their desired identities
- D1: Our assets and infrastructure are well planned and managed to meet the needs of the community now and into the future.

Legislative Policy and Planning Implications

Nil.

Budget and Financial Aspects

A co-contribution is not required for applications submitted under the SCCF Program.

Attachments

Nil.

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

**3. DISASTER RECOVERY FUNDING ARRANGEMENTS**

**(GM:23/1021)**

Executive Summary

To support impacted communities, the NSW Government in partnership with the Australian Government has announced significant recovery funding to assist disaster declared councils. This funding is provided in the form of Local Government Recovery Grants under the Disaster Recovery Funding Arrangements (DRFA).

Report

On 24 January 2023 correspondence was received from the Minister for Local Government, the Hon Wendy Tuckerman MP, advising that, in order to support impacted communities, the NSW Government in partnership with the Australian Government has announced significant recovery funding to assist disaster declared councils including Lockhart Shire.

The Minister's letter confirms that the Local Government Recovery Grants Program is providing payment of \$1 million to Lockhart Shire Council upon confirmation of the Project Overview and the Grant Acknowledgement Schedule.

The objective of the Local Government Recovery Grant is to:

- facilitate community relief and recovery following an eligible exceptional disaster event.
- promote projects that increase disaster resilience to reduce the impact of future disaster events.

In recognition that the impact of these flooding events has been diverse, councils can apply the funding to a range of activities that best meet their local community's recovery needs. Councils will be responsible for working with the Office of Local Government (OLG) to ensure funding for nominated projects complements (rather than duplicates) any other sources of assistance being delivered.

Council will initially be required to submit an overview of the projects/programs/works proposed to be funded under the recovery grant of \$1 million.

OLG will review the proposed outline of works and confirm that the proposals are compliant with the guidelines and may request changes if required.

Once agreed, the Council will be asked to sign a grant acknowledgement schedule, which will trigger the transfer of funds as a single upfront payment. Under the grant acknowledgement schedule, Council will be required to:

- Complete and submit a detailed Program of Works template within three months of receiving funds, which will cover:
  - how the works meet eligibility and project criteria as outlined in the program guidelines;
  - the timeline for delivery, including any relevant milestones.
- Complete mandatory progress reporting to show how funds are being spent and how projects are being implemented.
- Return any unused funds as of 30 June 2025

An extract from the Program Guidelines providing examples of eligible projects has previously been circulated to Councillors.

In order to, facilitate the consideration of eligible projects for funding under the \$1 million Local Government Recovery Grant a Councillor Workshop is being convened at 4.00pm on Monday, 13 February 2023 prior to the Ordinary Meeting of Council.

#### Integrated Planning and Reporting Reference

- A2: Ensure that Lockhart Shire is well prepared to respond to adversity.
- D1: Our assets and infrastructure are well planned and managed to meet the needs of the community now and into the future

#### Legislative Policy and Planning Implications

The Local Government Recovery Grant cannot be used to:

- fund the day-to-day operations and/or business as usual activities.
- are council infrastructure assets that meet the definition of an *essential public asset* and are eligible for reimbursement under the DRFA.
- are fully funded through other government grant(s), assistance and/or insurance claims.
- duplicate other recovery initiatives already funded or underway.
- are located outside of the LGA.
- require ongoing funding from the NSW or Australian Government.
- are not aligned to the objective and outcomes of the program.
- provide exclusive private benefit or direct commercial benefit to an individual or business.
- include improvements or repair to private residences.

#### Budget and Financial Aspects

A co-contribution is not required towards the Local Government Recovery Grant.

#### Attachments

- Extract - Local Government Recovery Grants Program Guidelines – Examples of Eligible Projects separately distributed.

**Recommendation:** That in accordance with the outcome of the Councillor Workshop held earlier in the day, Council nominate the following projects for funding under the Local Government Recovery Grants Program:

- 1.
- 2.
- 3.

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

### **4. LOCKHART CARAVAN PARK MANAGEMENT CONTRACT**

(DEES: 23/734)

#### Executive Summary

The contract with the current Lockhart Caravan Park Manager expires on the 30 June 2023. This report outlines a proposal to call for Expressions of Interest prior to entering into a new management contract.

#### Report

The contract with current Lockhart Caravan Park Manager expires on the 30 June 2023. The current manager commenced in July 2019 following a call for Expressions of Interest (EOI) in the community. A new lease was entered into in 2021 and Council extended the contract twice for two further twelve-month periods at agreed new fortnightly rate. The most recent extension was granted to allow for several planned improvements at the caravan park to be advanced prior to the commencement of a new contract. The improvements currently being pursued include:

- Implementation of an online booking system – this will address some of the limitations of not having a manager's residence available at the Caravan Park which would facilitate an onsite resident manager.
- Provision of an all-abilities cabin being funded under Phase 3 of the Local Roads and Community Infrastructure (LRICI) grants program and which is currently on order.

Previously when inviting EOIs Council has requested applicants to propose a monetary rate to complete all required duties of managing the Caravan Park which include the cleaning and maintenance of the Park, collecting site fees and managing bookings as well as welcoming guests. The applicants must also address how they will address any absences and times when they are unavailable. The criteria for assessing any EOIs received included the price tendered and the experience and knowledge of the applicants with the lowest price not necessarily being accepted.

Alternatively Council could predetermine the contract fee and include it in the EOI documentation. This is similar to the approach taken when inviting EOIs for the management of the Council's swimming pools. By way of comparison the swimming pool contractors receive a council-nominated amount for managing the swimming pool complexes at Lockhart and The Rock from October to March and includes the cost of employing the required number of lifeguards required to be on duty.

A third alternative is to take a more flexible approach and invite management proposals from interested persons. Instead of specifying all aspects of the contract this approach may encourage other potential management options to be put forward not contemplated by Council but nevertheless worthy of consideration e.g. a lease arrangement instead of a management contract.

It is recommended that Council adopt the third option outlined above i.e. the more flexible approach of inviting management proposals from interested persons as this may generate alternative models for managing the Caravan Park for Council's consideration without excluding the other options.

#### Integrated Planning and Reporting Reference

B2: Create a thriving tourism economy in Lockhart Shire

B2: Complete the implementation of the Lockhart Caravan Park Masterplan

B2: Support and develop infrastructure for our tourism sector.

B2: Develop partnerships that support our tourism industry.

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

#### Legislative Policy & Planning Implications

Nil.

#### Budget & Financial Aspects

The Lockhart Caravan Park Management fees are included in each year's Operational Plan and Budget.

#### Attachments

Nil.

#### **Recommendation:** That:

1. Council invites proposals for the management of the Lockhart Caravan Park through an expressions of interest (EOI) process.
2. A further report be presented to Council following the close of the EOI advertising period.

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

Nil.

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

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

(DEES)

#### Executive Summary

Monthly report on engineering and environmental services matters.

#### Background Information

##### a) **General**

Council was successful in receiving grant funding under the Electric Vehicle Fleet Incentives Program. Council has purchased two Plug In Hybrid Electric Vehicles (PHEVs) and one Battery Electric Vehicle (BEV), which are all FBT exempt. Council has also purchased an electric ride-on mower. In addition to the funding received under the Fixing Local Roads (Pothole) program, Council has received further funding under the Regional and Local Roads Repair Program. Further claims are in progress for storm damaged roads as a result of recent events.

##### b) **Works**

September Storm Event: Emergency works for the September 2022 storm event are continuing on rural and unsealed roads.

Working with Damage Control Project Management (DCPM) regarding funding for weather affected roads. Ongoing.

Prichard Pl: Minor drainage works were completed in January. Project completed. Funding to be claimed from Transport for NSW.

Lockhart Kywong Rd – 1.25km North of Slocums Ln: Work has commenced on the realignment of pavement over the new culverts. Pavement has been widened, gravel added and seal complete. Project completed. Funding to be claimed from Transport for NSW.

Lockhart Kywong Rd – Fargunyah Ln: Survey and design to be completed by end January.

Mittagong Yerong Creek Road: Culverts have been ordered and delivery is under way. Construction scheduled to commence February 2023, weather permitting.

Depot Improvements: Security gates for the Lockhart works depot have been ordered and installation will take place early in 2023. Currently seeking quotes for an office/lunchroom for The Rock depot.

#### Local Roads and Community Infrastructure Grants Program (LRCI)

- Lockhart Rec Ground: Sealing work in progress. Minor works to complete.
- Henty Pleasant Hills Rd: Clearing has been completed with work to commence early in 2023.

Unsealed Road Maintenance of Shire gravel roads: Maintenance has been conducted on Boyds Road, JR Smiths Lane, Dunlevys Lane, Jarricks Lane, Barracluffs Lane, Schirmers lane, Slocums Lane, Amerys Lane, Carrols Lane, Ellis Lane, French Park Bullenbung Road, Henty Ryan Road, Tootal Mittagong Road, and Western Road.

#### Maintenance Crews:

Both the bitumen and maintenance crews have been kept busy with an increase of pavement failures due to the weather, routine maintenance has continued on our Local and Regional Roads.

Gravel maintenance on Lockhart back lanes has been completed and maintenance on The Rock back lanes has been completed.

##### c) **Parks & Facilities**

#### Australia Day

The gardens surrounding Lockhart pool were tidied and mowing scheduled to coincide with the celebrations held at the facility.

### Parks and Gardens

Garden maintenance has been stepped up to get weed growth back under control, efforts have been concentrated around high traffic areas. Irrigation systems are being checked regularly and maintained as required.

### Weed Control

Weed control by mechanical and chemical methods is being conducted within urban areas as resources and conditions allow. Pesticides commonly used are Glyphosate and Dicamba. Signage will be placed at property entrance when spraying is in progress.

### Mowing and Slashing

The summer mowing schedule has continued; due to high growth conditions most areas have needed to be mowed again after the Christmas break. Extreme weather conditions will be considered when scheduling slashing. Fortnightly mowing and edging is being scheduled for most irrigated areas.

### Trees

Athel Pines along East St/Albury Rd are scheduled to be removed in February.

Watering of trees planted in the last two years is being conducted weekly.

Lockhart Shires Street Tree Policy 2.44 states; 'Council is responsible for the planting and maintenance of street trees, including the selection of species, regular health, and safety checks, pruning, and removal and replanting requirements.

Resident concerns regarding street trees, including species selection, maintenance and/or removal should be made in writing and addressed to the General Manager. Such issues will be resolved based on risk and available budget and resources.

## d) **Biosecurity**

### Weeds

#### **Control Program**

Priority has been given to the control of Feathertop Rhodes grass (*Chloris virgata*), St John's wort (*Hypericum perforatum*), Bathurst burrs (*Xanthium spinosum*), St. Barnaby's thistle (*Centaurea solstitialis*), Silverleaf nightshade (*Solanum elaeagnifolium*) and Blackberry (*Rubus fruticosus* species aggregate) on roadside reserves and council managed land.

#### **drumMUSTER**

March drumMUSTER collection events have been scheduled. The Lockhart drumMUSTER event is scheduled to occur on Tuesday 14 March 2023 and will be managed by St. Joseph's School. The Rock drumMUSTER event is scheduled for Thursday 16 March 2023 and will be managed by The Rock Men's Shed.

## e) **Development Approvals**

The following development applications were approved, with conditions, from 1 December 2022 to 31 January 2023.

DA/CDC No	Development	Applicant	Site of Development
DA35/23	Additions to Existing Shed	S Smith	5 Hebden St, Lockhart
DA36/23	Workshop/Factory Building	P Cheena	10 Harry Davies Dr, Lockhart
DA37/23	Dwelling, 2 Storey	M Ryan	17 Davidson St, The Rock
CC38/23	Replace an over the street footway awning	M Rogan	113 Urana St, The Rock

### Legislative Policy and Planning Implications

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

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

Integrated Planning and Reporting Reference

C2: Flora and fauna are protected across the Shire.

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

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

Budget and Financial Aspects

Will be conducted within Council's allocated budget.

Attachment

Nil.

**Recommendation:** That Council notes the information provided in the Engineering and Environmental Services report.



## STRATEGIC DIRECTION E: Strong Leadership and Governance

### 6. INVESTMENT AND BANK BALANCES REPORT – 31 DECEMBER 2022

(DCCS: 23/1289)

#### Executive Summary

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

#### Report

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

#### Cash at Bank

<b>Opening Combined Cashbook Balance</b>			1,147,069.91
Add: Total Receipts			
	Rates	98,711.38	
	Debtors	69,184.50	
	Miscellaneous	63,519.78	
	Interest	16,670.84	
	Deft Transfer	150,000.00	
	Redemption of Investment	250,000.00	
	Inclusion Development Program	13,500.00	
	Federal Road Stimulus Package	14,935.00	
		676,521.50	
Less: Total Payments			1,323,979.67
	New Investments	0	0.00
<b>Closing Combined Cashbook Balance</b>			<b>499,611.74</b>
<b>Closing Bank Statement Balance</b>	Bendigo Bank	449,341.86	
	Macquarie Bank	18,787.43	
	Bendigo Bank-Prichard Trust	31,711.68	
		499,840.97	
Add: Outstanding Deposits			1,870.77
			501,711.74
Less: Outstanding Cheques			2,100.00
<b>Closing Combined Cashbook Balance</b>			<b>499,611.74</b>
			<b>499,611.74</b>
<b>Investments:</b>	<b>Interest Rate per Annum</b>	<b>Amount Invested</b>	<b>% of Total</b>
Bank of Queensland	3.95	500,000.00	5.73
Bendigo	4.10	400,000.00	4.58
Bendigo	3.55	500,000.00	5.73
Bendigo	3.55	250,000.00	2.86
Bendigo	3.75	500,000.00	5.73
Bendigo	3.90	500,000.00	5.73
Bendigo	3.55	500,000.00	5.73
Bendigo	at call	79,595.83	0.91
Commonwealth	4.07	500,000.00	5.73
Commonwealth	3.44	500,000.00	5.73
Commonwealth	3.74	500,000.00	5.73
Commonwealth	4.03	500,000.00	5.73
Macquarie Bank	3.82	500,000.00	5.73
Macquarie Bank	3.60	500,000.00	5.73
Macquarie Bank	3.75	500,000.00	5.73
NAB	3.46	500,000.00	5.73
NAB	3.72	500,000.00	5.73
NAB	3.50	500,000.00	5.73
NAB	3.55	500,000.00	5.73
		<b>8,729,595.83</b>	100.00
			<b>AMOUNT</b>
General (PTD)	1490-3000-0000		(1,955,700.27)
Combined Sewerage	8490-3000-0000		2,423,600.33
Trust Fund	9991-3000-0000		31,711.68
		<b>499,611.74</b>	<b>499,611.74</b>
	<b>TOTAL FUNDS HELD ARE:</b>		<b>9,229,207.57</b>

#### Integrated Planning and Reporting Reference

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

Legislative Policy and Planning Implications

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

Budget and Financial Aspects

Council's 2022/23 Operational Budget has forecast a total of \$39,750 income from interest on investments for General Fund & Sewer Fund combined. For the period July to December 2022, the average end of month balance of funds invested has been \$8.66 million and the average return on invested funds has been 2.98%. On these year to date figures, Council's budgeted income on investments will be achieved for the General Fund and Sewer Fund.

This will be monitored and, if required, adjusted at the next Quarterly Budget Review.

Responsible Accounting Officer Statement

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

**Recommendation:**

- a) That the 31 December 2022 Investment and Bank Balances Report be received and noted.
- b) That the Responsible Accounting Officer Statement be noted, and the report be adopted.

**7. INVESTMENT AND BANK BALANCES REPORT – 31 JANUARY 2023**

**(DCCS: 23/1290)**

Executive Summary

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

Report

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

Cash at Bank

<b>Opening Combined Cashbook Balance</b>			499,611.74
Add: Total Receipts			
	Rates	88,820.56	
	Debtors	34,212.26	
	Miscellaneous	55,925.85	
	Interest	13,501.83	
	Redemption of Investment	500,000.00	
	Sale of Pressing Steel	26,923.12	
	Transport NSW - Block Grant	553,500.00	
	Transport NSW - Pothole Repair	457,066.18	
			1,729,949.80
Less: Total Payments			1,326,674.81
	New Investments	0	0.00
<b>Closing Combined Cashbook Balance</b>			<b>902,886.73</b>
<b>Closing Bank Statement Balance</b>	Bendigo Bank	777,154.88	
	Macquarie Bank	97,894.61	
	Bendigo Bank-Prichard Trust	31,722.45	
			906,771.94
Add: Outstanding Deposits			2,586.59
			909,358.53
Less: Outstanding Cheques			6,471.80
<b>Closing Combined Cashbook Balance</b>			<b>902,886.73</b>
			<b>902,886.73</b>
	<b>Interest Rate per</b>	<b>Amount</b>	
<b>Investments:</b>	<b>Annum</b>	<b>Invested</b>	<b>% of Total</b>
Bank of Queensland	3.95	500,000.00	5.73
Bendigo	at call	79,595.83	0.91
bendigo	3.55	250,000.00	2.86
bendigo	3.75	500,000.00	5.73
bendigo	3.90	500,000.00	5.73
Bendigo	3.55	500,000.00	5.73
Bendigo	3.90	500,000.00	5.73
Bendigo	4.10	400,000.00	4.58
Commonwealth	4.24	500,000.00	5.73
Commonwealth	3.74	500,000.00	5.73
Commonwealth	3.44	500,000.00	5.73
Commonwealth	4.03	500,000.00	5.73
Commonwealth	4.07	500,000.00	5.73
MACQUARIE BANK	3.60	500,000.00	5.73
MACQUARIE BANK	3.75	500,000.00	5.73
MACQUARIE BANK	3.82	500,000.00	5.73
NAB	3.72	500,000.00	5.73
NAB	3.50	500,000.00	5.73
NAB	3.46	500,000.00	5.73
		<b>8,729,595.83</b>	100.00
			<b>AMOUNT</b>
General (PTD)	1490-3000-0000		(1,561,608.86)
Combined Sewerage	8490-3000-0000		2,432,773.14
Trust Fund	9991-3000-0000		31,722.45
		<b>902,886.73</b>	<b>902,886.73</b>
	<b>TOTAL FUNDS HELD ARE:</b>	<b>9,632,482.56</b>	

Integrated Planning and Reporting Reference

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

Legislative Policy and Planning Implications

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

### Budget and Financial Aspects

Council's 2022/23 Operational Budget has forecast a total of \$39,750 income from interest on investments for General Fund & Sewer Fund combined. For the period July 2022 to January 2023, the average end of month balance of funds invested has been \$8.67 million and the average return on invested funds has been 3.09%. On these year to date figures, Council's budgeted income on investments will be achieved for the General Fund and Sewer Fund.

This will be monitored and, if required, adjusted at the next Quarterly Budget Review.

### Responsible Accounting Officer Statement

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

### **Recommendation:**

- a) That the 31 January 2023 Investment and Bank Balances Report be received and noted.
- b) That the Responsible Accounting Officer Statement be noted, and the report be adopted.

## **8. QUARTERLY BUDGET REVIEW – DECEMBER 2022**

**(DCCS: 23/1488)**

### Executive Summary

In accordance with the Local Government Act, 1993, a review of Council's Budget position as at 31 December 2022 has been undertaken and the following is submitted for Councillors' consideration.

### Report

#### **General Fund**

When Council adopted the 2022-2023 Operational Plan Budget in June 2022 Council budgeted for a surplus of **\$13,177.00**. The Budget Review at 31 December 2022 indicated an estimated **SURPLUS of \$11,779.00** as at 30 June 2023 after taking into account movements in revenue and expenditure for the first quarter.

#### **Adjustments of note in the December Quarterly Review Budget:**

Increase in **Operating Income** general ledger:

- |   |                |                        |           |
|---|----------------|------------------------|-----------|
| • | 1040-1231-0000 | Interest on Investment | \$185,000 |
| • | 3180-1100-0000 | Cemeteries Income      | \$20,000  |

Decrease in **Operating Income** general ledger:

- |   |                |                                   |          |
|---|----------------|-----------------------------------|----------|
| • | 1060-1375-0000 | Diesel Fuel Rebate                | \$15,000 |
| • | 1080-1600-0000 | Outdoor Staff – Oncost Recoveries | \$70,000 |

Increases in **Operating Expenditure** general ledgers:

- |   |                |   |          |
|---|----------------|---|----------|
| • | 1020-2385-0000 | Recruitment Expenses                    | \$11,000 |
| • | 1080-2005-0000 | Outdoor Staff – Leave All Types         | \$30,000 |
| • | 1080-2500-0000 | Plant Running Expenses                  | \$35,000 |
| • | 1540-2265-0000 | NSW Rural Fire Service – Contribution   | \$70,000 |
| • | 2020-2025-0000 | Env Services – LEP Reviews              | \$12,000 |
| • | 5580-2330-0000 | Real Estate for Sale – General Expenses | \$11,000 |

Decrease in **Operating Expenditure** general ledger:

- |   |                |   |          |
|---|----------------|---|----------|
| • | 1060-2009-0000 | Engineering – FBT                       | \$15,000 |
| • | 1080-2001-0000 | Outdoor Staff – Annual Leave            | \$30,000 |
| • | 1080-2040-0000 | Outdoor Staff – Workers Comp Insurances | \$12,000 |

- 2580-2270-0000 Youth Officer \$23,000

Increases in **Capital Expenditure** general ledgers:

- 1020-4605-0001 Council chambers technology upgrade \$37,000
- 1020-4605-0002 Administration Building Solar Upgrade \$25,000
- 3990-4600-0005 109 Green St Landscaping & Furniture \$50,000
- 5620-2350-0000 Prichard Place Subdivisions \$200,000

Increases in **Transfer to Reserves** general ledgers:

- 1490-2716-0000 Transfer to: Grant Projects Contingency Reserve \$70,000

**Interest On Investment:** the increase in interest rates has resulted in Council's Budget estimate to significantly improve. In the December 2021 Statement of Funds, Council had \$5.75M of funds on term deposits at an average interest rate of 0.28%. Moving forward 12 months to December 2022 and Council has \$8.73M of funds on term deposits at an average interest rate of 3.72%.

**Diesel Fuel Rebate:** the Federal Government reduced the diesel fuel rebate to zero when fuel prices reduced. The rebate was reinstated on 29 September 2022.

**Outdoor Staff – Oncost Recoveries:** when developing the budget estimates for this financial year there were some changes to the methodology with regards to On-Costs and which expenses would incur On-Costs. Previously in the context of the Budget, a general ledger account with "Outdoor" in the description included staff in Parks & Facilities, Waste Management, Sewer Treatments Works and Roads teams. For this financial year any general ledger account with "Outdoor" in the description is now only the Roads construction and maintenance crews.

Primarily On-Cost are designed to ensure any grant funded projects also fund the associated on-costs of employing staff i.e. superannuation, leave and workers compensation.

If any Councillor(s) would like further information on this subject, a presentation could be included any one of our upcoming Budget Workshops.

**NSW Rural Fire Service – Contribution:** Council received an Emergency Service levy (ESL) Rebate in last year's accounts which was a payment in advance for the increase in the NSW Rural Fire Service contribution for this financial year. As that income went into consolidated funds in last year, the additional \$70,000 required to cover the increase is being funded from Reserves.

**Outdoor Staff – Annual Leave:** this reduction relates to On-Costs. This represents the leave taken by Parks & Facilities and Waste Management staff that in previous years was costed to "Outdoor Staff - Annual Leave" but has been budgeted for in this financial year under the Parks & Facilities – Salaries (3680-2000-0000) and Waste Management Salaries (3060-2000-0000) general ledger accounts.

**Youth Officer:** Council has had a long-standing resource sharing arrangement with Greater Hume Council, whereby Greater Hume Council employed a Youth Officer(s) and Lockhart would make a contribution to share the staff to enable Lockhart to conduct and carry out youth initiatives. The focus of the Youth Officer recently has been rolling out the programs being funded by SCCF Rd 3 "**Adulthood 101: Youth Project – life skills for young people program**". Late last year the Youth Officer employed by Greater Hume resigned, and Greater Hume took that opportunity to review the position. This review resulted in Greater Hume deciding not to employ a dedicated Youth Officer moving forward. Lockhart will now review its needs in this area.

**Council chambers technology upgrade:** the initial plan was do this in a staged approach, i.e. upgrade the equipment in the Chambers then next year add new technology to the Breakout Meeting room. The more efficient solution will be to do both upgrades together. As still waiting on another quote, this is only an estimate of funds required at this stage.

**Administration Building Solar Upgrade:** the current solar system is generating approximately half the power required for the administration building. As there will be an electric vehicle charging station installed at the rear of the building, it is timely to upgrade the current solar system.

**109 Green St Landscaping & Furniture:** Council lodged an application for funding under the SCCF Rd 4 grant program to fund the development of the 109 Green St precinct into an attractive open space with modern amenities. Council's application was for \$245,000, while Council's application was successful the funding body reduced the funding allocation to \$212,000. Council sourced a quote to undertake the design that the landscape designers contracted by Council presented to Council and become part of the Development Application for the new precinct. This quote was close to \$200,000. Council then sourced a cost estimation using prefabricated outdoor seating and furniture in the theme

of the original landscape design. The cost came in at approximately \$140,000 and that did not include delivery or installation. Council is now looking at other modular outdoor furniture and seating options that may be more cost effective. For now, Council is seeking an additional \$50,000 to better achieve the theme and style of the landscape design.

**Prichard Place Subdivisions:** the \$200,000 is a carry forward from last year's budget.

**Transfer to: Grant Projects Contingency Reserve:** with the number of projects Council has undertaken over the past few years there is the risk that a project(s) may go over the funding allocation. As detailed above the 109 Green St Development is a project requiring more funds. It is likely the Pleasant Hills tennis court project will require more funds to remedy poor workmanship.

#### **Sewer Fund**

When Council adopted the 2022-2023 Operational Plan Budget in June 2021 Council budgeted for a surplus of **\$11,651.00** for the Sewer fund operations. For the Budget Review at 31 December 2022 the budget adjustments resulting in an estimated **SURPLUS of \$6,405.00** as at 30 June 2023 after taking into account movements in revenue and expenditure for the first quarter.

Adjustments of note in the December Quarterly Review Budget:

Increases in **expenditure** general ledgers:

- 8405-2220-0000 Consultants \$25,000
- 8405-2331-0000 Sewer Mains R&M \$20,000

Decrease in **expenditure** general ledgers:

- 8405-2000-0000 Sewer Salaries \$10,000
- 8405-2332-0000 Sewer Pump Stations R&M \$11,000

Increase in **income** general ledgers:

- 8405-1310-0000 Sewer Connection Fees \$15,000

#### Integrated Planning and Reporting Reference

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

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

#### Legislative Policy & Planning Implications

Clause 203 (1) of the Local Government (General) Regulation states that "not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.

#### Budget & Financial Aspects

<b>Fund</b>	<b>Adopted Budget @ 1 July 2022</b>	<b>Amendments @ 30 Sept 2022</b>	<b>Amendments @ 1 Dec 2022</b>	<b>Revised Estimates @ 30 June 2023</b>
<b>General Fund</b>	\$ 13,177.00	\$ 73,418.00	(\$74,816.00)	\$ 11,779.00
<b>Sewerage Fund</b>	\$ 11,651.00	\$ 1,990.00	(\$7,236.00)	\$ 6,405.00
<b>Net Consolidated Budget Surplus/(Deficit)</b>	<b>\$ 24,828.00</b>	<b>\$ 75,408.00</b>	<b>(\$82,052.00)</b>	<b>\$ 18,184.00</b>

#### Attachments

- Quarterly Budget Review Statement for the period 01/10/22 to 31/12/22 will be provided under separate cover.

**Recommendation:** That:

- a) The information be noted, and
- b) The adjustments in income, expenditure and reserves in the December 2022 Quarterly Budget Review be adopted, and
- c) The carried forward as reported to be funded from Reserves be adopted.

**9. DELIVERY PROGRAM 2022-2025 PROGRESS REPORT**

**(GM: 22/17043)**

Executive Summary

Provision of a six-monthly progress report on the implementation of the Delivery Program.

Report

Section 404 of the Local Government Act states the General Manager must ensure that regular progress reports are provided to the Council reporting as to its progress with respect to the principal activities detailed in its Delivery Program. Progress reports must be provided at least every 6 months.

The 2022-2025 Delivery Program was adopted by the newly elected Council on 19 April 2022 (minute no. 85/22) for the period 1 July 2022 to 30 June 2025. This is the first six monthly progress report for this Delivery Program.

The report on the progress of the 2022-2025 Delivery Program for the period 1 July to 31 December 2022 is separately enclosed.

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

It is a legislative requirement that regular progress reports are provided to Council.

Budget & Financial Aspects

Not applicable.

Attachments

Lockhart Shire Council 2022-2025 Delivery Program Progress Report has been separately distributed to Councillors.

**Recommendation:** That the report on the progress of the 2022-2025 Delivery Program for the period 1 July to 31 December 2022 be received and noted.

**10. REVISION OF POLICY 3.11 SMOKE-FREE WORKPLACE**

**(GM: 22/16056)**

Executive Summary

A revised Smoke-Free Workplace Policy is tabled for Council's consideration.

Report

In order to ensure that policies remain relevant, a program of ongoing review of policies not later than every three years is maintained.

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

Whilst not scheduled for review, Policy 3.11 relating to a smoke-free workplace has been reviewed at this time to incorporate the practice of vaping into the Policy. Specifically the Policy has been amended so that, for the purposes of the Policy, "smoking" is defined to include environmental tobacco smoke as well as vaping.

The Work Health and Safety Committee as well as Council's Workers Compensation insurer, StateCover, were consulted and are supportive of the change.

A copy of the amended Policy is attached.

Integrated Planning and Reporting Reference

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

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

Legislative Policy & Planning Implications

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

Budget & Financial Aspects

Nil.

Attachments

- Policy 3.11 Smoke-Free Workplace

**Recommendation:** That Policy 3.11 Smoke-Free Workplace, as presented, be adopted



## Staff Report 10: Policy 3.11 Smoke-free Workplace

### 3.11 Smoke-Free Workplace

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POLICY TITLE: SMOKE-FREE WORKPLACE

FILE REF: SC67

REVIEW DATE: FEBRUARY 2026

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#### OBJECTIVES

The aim of this policy is to ensure a Smoke-Free Workplace during working hours.

For the purposes of this policy “smoking” includes Environmental Tobacco Smoke (ETS) as well as vaping. The difference between traditional smoking and vaping is that smoking delivers nicotine by burning tobacco whilst vaping can deliver nicotine by heating a liquid.

#### FOCUS

This policy applies to all employees, contractors and visitors to Council’s work sites.

The focus of this Policy is to eliminate or reduce the risk associated with passive smoking/vaping in the workplace. Given that ETS is a major airborne contaminant, employers who continue to allow smoking in their workplace may be in breach of the *Work Health and Safety Act 2011*. In this regard:

Section 17 of the Act imposes a duty to:

- a) Eliminate risks to health and safety, so far as is reasonably practicable, and
- b) If it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable.

Section 19 of the Act requires the provision and maintenance of a work environment without risks to health and safety.

#### POLICY STATEMENT

1. Smoking is not permitted at any time in or around any Council workplace. This includes:
  - a) All Council owned or controlled buildings and enclosed structures
  - b) All Council vehicles and items of plant
  - c) All Council work sites whether in the open air or not.
2. Staff are not permitted to leave the workplace to smoke. Whilst not encouraging such departure for the purpose of smoking, Council acknowledges staff are entitled to leave the workplace during a non-paid break.
3. It is the responsibility of all supervisors and employees to ensure that no employee, contractor and/or visitor, smokes whilst on a Council work site. Employees who fail to look after the safety of other people at work by not complying with Council’s Smoke-Free Workplace Policy may be in breach of the *Work Health and Safety Act 2011*.
4. Council will give assistance to any employee who wishes to quit smoking/vaping by way of counselling and/or financial assistance. An employee can contact Council’s Human Resources/Work Health and Safety Co-ordinator for further information and all enquiries will be treated as confidential.
5. Employees found breaching Council’s Smoke-Free Workplace Policy may be disciplined in accordance with the disciplinary procedures contained in the Local Government (State) Award.

Adopted by Council 20 February 2023  
Refer minute xxx/23

Adopted by Council 15 March 2021  
Refer minute 38/21

Reviewed by Council 5 February 2018  
Refer minute 23/18

Adopted by Council 17 August 2009  
Refer minute 283/09

11. CONFLICT OF INTEREST POLICY – COUNCIL RELATED DEVELOPMENTS

(GM: 22/16060)

Executive Summary

New requirements have been introduced into the Environmental Planning and Assessment Regulation 2021 to address conflicts of interest in council related developments.

Report

The Model Code of Conduct contains provisions relating to situations where individual councillors have a conflict of interest in a matter before the council i.e. a conflict between their public duty as a councillor and a private interest.

New requirements have now been introduced into the Environmental Planning and Assessment Regulation 2021 to address conflicts of interest in council related developments i.e. where the Council itself has a conflict of interest.

This situation can arise because councils are development regulators and they also can be the developer, landowner or hold a commercial interest in the land they regulate. Where councils have this dual role, an inherent conflict can arise between their interests in the development and their duty as regulator.

Recent examples in Lockhart Shire where the Council has been both the regulator (consent authority) and the applicant/developer, include the redevelopment of 109 Green Street Lockhart (former GrainCorp building) and the residential subdivisions in Prichard Place Lockhart and Carson Road The Rock. The proposed service station development on the corner of Reid Street and the Albury-Lockhart Road is another case in point.

To address this situation the following requirements have been introduced into the Environmental Planning and Assessment Regulation 2021:

- 1) Councils must adopt and have a policy that specifies how conflicts of interest in connection with council-related development applications will be handled. The policy must comply with the requirements in the Guidelines developed by the Department of Planning and Environment.
- 2) Council-related development applications must now be accompanied by either a management strategy statement, which explains how the council will manage potential conflicts of interest, or a statement that the council has no management strategy for the application.
- 3) Councils must record conflicts of interest in connection with each council-related development application, and the measures taken to manage the conflicts, in their existing DA register.
- 4) Council-related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process.

In some circumstances, Council may determine the risks associated with a council-related development are sufficiently low and no specific controls are warranted. Where this is the case, council should still publicly communicate that fact to ensure transparency.

Where a council determines for a particular class of development that the risks of a conflict of interest are very low, it may decide to not have any management controls for a specified type of development unless there is some direct involvement of a councillor or a council staff member in their private capacity.

Examples where this approach might be appropriate include development for internal alterations or additions to buildings that are not a heritage item, advertising signage, minor building structures projecting from a building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services), and development where the council might receive a small fee for the use of their land.

With respect to 1) above, any policy prepared and adopted by a council must:

- Establish management controls and/or a management strategy to address potential conflicts of interest at the different phases of the development process for the types of council-related development that the council could be involved in
- Outline the process through which potential conflicts of interest will be identified, the risks assessed, and appropriate management controls determined, and
- Outline the process that will be followed to publicly communicate the management approaches for each development subject to the policy.

A draft Conflict of Interest Policy for Council related developments has been developed and is attached.

It is considered appropriate that Council place the Draft Policy on public exhibition before formally adopting it.

Integrated Planning and Reporting Reference

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

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

Legislative Policy & Planning Implications

Having a policy that specifies how conflicts of interest in connection with council-related development applications will be handled is a requirement of the Environmental Planning and Assessment Regulation 2021.

Identifying these conflicts of interest and finding ways to address them is crucial to good governance and allows councils to regulate council related developments in a more transparent way.

Budget & Financial Aspects

Nil.

Attachments

- Draft Policy 2.58 Conflicts of Interest – Council Related Developments

**Recommendation:** That Draft Policy 2.58 Conflicts of Interest – Council Related Developments be placed on public exhibition for a period of not less than 28 days and any submissions received be considered by Council prior to adoption of the Policy.

## **Staff Report 11: Draft Policy 2.58 Conflicts of Interest – Council Related Developments**

### **2.58 Conflict of Interest – Council Related Development**

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POLICY TITLE: CONFLICT OF INTEREST – COUNCIL RELATED DEVELOPMENT

FILE REF: SC67

EXPIRY DATE: APRIL 2026

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#### OBJECTIVE

- 1) This policy aims to manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development.

#### SCOPE

- 2) This policy applies to council-related development as defined in clause 3)(c) of this policy

#### DEFINITIONS

- 3) In this policy:
  - a) “Application” means an application for consent under Part 4 of the Environmental Planning and Assessment Act to carry out development and includes an application to modify a development consent. It does not include an application for a complying development certificate.
  - b) “Council” means Lockhart Shire Council
  - c) “Council-related development” means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, and will also be the regulator consent authority
  - d) “Development process” means application, assessment, determination, and enforcement
  - e) “High and Very High Risk development applications” means applications with a capital value exceeding \$1 million and/or is controversial in nature i.e. 10 or more objections have been received following advertising of the development application.
  - f) “Low and Moderate Risk development applications” means non-controversial, small-scale development, development of a certain value with/without a commercial interest,
  - g) “The Act” means the Environmental Planning and Assessment Act 1979.

#### MANAGEMENT CONTROLS AND STRATEGIES

- 4) The following management controls may be applied to:
  - a) The assessment of an application for council-related development
    - For low and moderate risk development applications the assessment of an application is to be carried out under delegation by a suitably qualified council employee who had no involvement with the preparation of the application.
    - For high and very high risk development applications the application will be referred to another council or a suitably qualified planning consultant for assessment.
  - b) The determination of an application for council-related development
    - For low and moderate risk development applications the determination of an application is to be made under delegation by a suitably qualified council employee who had no involvement with the preparation of the application.

- For high and very high risk development applications the determination of an application is to be made by the General Manager based on the recommendation of the other council or planning consultant that assessed the application in accordance with 4)(a) above.
- c) The regulation and enforcement of approved council-related development
  - For low and moderate risk development applications the ongoing regulation and enforcement of any consent issued for the development is to be carried out by a council employee who had no involvement with the preparation of the application.
  - For high and very risk development applications the ongoing regulation and enforcement of any consent issued for the development is to be carried out by a council employee who had no involvement with the preparation of the application.
- 5) The management strategy for the following kinds of development is that no management controls need to be applied:
  - a) Commercial fit outs and minor changes to the building façade
  - b) Internal alterations or additions to buildings that are not a heritage item
  - c) Advertising signage
  - d) Minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)
  - e) Development where the council might receive a small fee for the use of their land.

IDENTIFYING WHETHER A POTENTIAL CONFLICT OF INTEREST EXISTS, ASSESSMENT OF LEVEL RISK AND  
DETERMINATION OF APPROPRIATE MANAGEMENT CONTROLS

- 6) Development applications lodged with the council that are council-related development are to be referred to the General Manager (or a delegate) for a conflict-of-interest risk assessment. The General Manager is to:
  - a) Assess whether the application is one in which a potential conflict of interest exists
  - b) Identify the phase(s) of the development process at which the identified conflict of interest arises
  - c) Assess the level of risk involved at each phase of the development process
  - d) Determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in clause 4) of the policy and the outcome of the General Manager's assessment of the level of risk involved in accordance with clause 6) (c).  
  
(Note: The General Manager could determine that no management controls are necessary in the circumstances).
  - e) Document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.

*Lockhart Shire Council  
Ordinary Meeting – 13 February 2023*

Note: The following template is to be used by Council for publishing a statement to document its proposed management approach in a particular circumstance in accordance with clause 6)(e).

Conflict of Interest Management Statement	
Project Name	
DA Number	
Potential Conflict	Assessment Phase ▪ Determination Phase ▪ Enforcement Phase ▪
Management Strategy	The council is managing potential conflicts of interest in this matter as follows: Assessment Phase ▪ Determination Phase ▪ Enforcement Phase ▪
Contact	Anyone with concerns about Council fulfilling its obligations should report their concerns to: General Manager Lockhart Shire Council 65 Green Street (PO Box 21) Lockhart NSW 2656 (02) 6920 5305 mail@lockhart.nsw.gov.au

*Adopted by Council 17 April 2023  
Refer minute xxx/23*

**12. REVISION OF POLICY 1.25 AUSTRALIAN CITIZENSHIP CEREMONIES DRESS CODE**  
**(GM: 22/16112)**

Executive Summary

Policy 1.25 Australian Citizenship Ceremonies Dress Code is scheduled for review.

Report

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

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

It has been Council's practice to place those policies that impact on residents and ratepayers on public exhibition and consider any submissions received prior to adopting the policy.

Policy 1.25 Australian Citizenship Ceremonies Dress Code is now scheduled for review in accordance with the Policy Review Timetable.

Policy 1.25 was initially developed in 2020 in response to a request from the Department of Home Affairs after a new Australian Citizenship Ceremonies Code was issued by the Minister.

Accordingly the Policy has been developed so that it aligns with the Code issued by the Minister.

Integrated Planning and Reporting Reference

A3: People of all ages, abilities, and backgrounds participate in community life.

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

E1: Meet all governance and regulatory requirements in the conduct of council operations.

Legislative Policy & Planning Implications

It is a requirement of the new Australian Citizenship Ceremonies Code issued in September 2019 by the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, that individual councils establish a dress code for ceremonies and provide a copy of the dress code to the Department of Home Affairs.

Budget & Financial Aspects

Nil.

Attachments

- Policy 1.25 Australian Citizenship Ceremonies Dress Code

**Recommendation:** That Policy 1.25 Australian Citizenship Ceremonies Dress Code, be placed on public exhibition for a period of not less than 28 days and any submissions received be considered by Council prior to adoption of the Policy.

## Staff Report 12: Policy 1.25 Australian Citizenship Ceremonies Dress Code

### 1.25 Australian Citizenship Ceremonies – Dress Code

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POLICY TITLE: AUSTRALIAN CITIZENSHIP CEREMONIES – DRESS CODE

FILE REF: SC20

EXPIRY DATE: APRIL 2026

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#### POLICY OBJECTIVE

The purpose of this Policy is to establish a dress code for attendees at citizenship ceremonies that reflects the significance of the occasion and in compliance with the Australian Citizenship Ceremonies Code issued by the responsible Minister.

#### POLICY STATEMENT

Lockhart Shire Council understands that Australian citizenship ceremonies are an important step in fulfilling the legal requirements prescribed by the Citizenship Act and Australian Citizenship Regulation.

Lockhart Shire Council also appreciates that citizenship ceremonies provide an important opportunity to formally welcome new citizens as full members of the Australian community.

To reflect the significance of the occasion, citizenship ceremonies should be formal and meaningful occasions conducted with dignity and respect. They should be designed to impress on conferees the responsibilities and privileges of Australian citizenship.

#### DRESS CODE

Attendees at citizenship ceremonies are encouraged to wear smart, casual attire which reflects the significance of the occasion.

National/traditional/cultural dress is welcomed to be worn, however the following should not be worn at citizenship ceremonies:

- Beach wear including swimwear of any kind
- Singlets or tank tops
- Shirts and jackets containing offensive motifs
- Overly torn clothing items

Appropriate footwear must be worn by all attendees. Attending a citizenship ceremony with bare feet is not acceptable.

*Adopted by Council 17 April 2023  
Refer minute xx/23*

*Adopted by Council 3 February 2020  
Refer minute 11/20*



### 13. 2024 LOCAL GOVERNMENT ELECTIONS

(GM/SC129)

#### Executive Summary

The NSW Electoral Commission has commenced planning for the 2024 Local Government elections. Councils must pass the appropriate resolution no later than 18 months before the next ordinary elections, should they require the NSW Electoral Commission to conduct their elections.

#### Report

The next Local Government ordinary elections will be held in September 2024. Councils must pass the appropriate resolution no later than 18 months before the next ordinary elections, should they require the NSW Electoral Commission (NSWEC) to conduct their elections. That means that the resolutions for the September 2024 elections must be passed by 13 March 2023 at the latest.

To assist councils make that decision, the NSWEC has provided councils with their service cost estimates. The NSWEC's estimate to conduct the September 2024 election for Lockhart Shire Council is \$36,632 ex GST. By way of comparison the NSWEC's actual cost to conduct the December 2021 elections (LGE21) was \$28,966 ex GST.

The NSWEC has advised that through its current purchasing, leasing, hiring and acquiring process for the March 2023 State general election, it has witnessed significant price increases in some areas (e.g. property leases, logistics costs, fuel levies, IT service costs etc). These price increases have affected the costs for the 2024 local government elections.

In providing the cost estimate the NSWEC has also drawn attention to the following:

- The NSWEC will only ever charge the actual cost to conduct the election – it does not apply any margin to the cost.
- The estimate does not include the 'core' costs of running the election (for example, the Electoral Commission's head office operating/capital costs such as staff payroll, training, IT system development and maintenance of the electoral roll). These core costs are met by the NSW Government.
- The estimate is based on the Council election being fully contested. In 2021 and earlier elections only two of the three wards were contested in which case the actual cost can be expected to be less than the estimate.
- Key cost increases include:
  - Early voting centre rental costs have significantly increased since LGE21
  - Logistics costs are increasing by 10% year-on-year
  - The fuel levy for material deliveries and collections has increased by 24%
  - The 3-year CPI increase is 13.12%
  - Staff costs have risen by 2.83% pa
  - Growth in the number of electors is 3.34% over 3 years
  - Paper costs have risen (affecting ballot papers and printed rolls)

One of the approaches the NSWEC uses to try and reduce the cost of conducting elections is to share resources where practical. For the September 2024 elections the NSWEC is proposing to have Returning Officers manage a number of councils (rather than just one each) to reduce the cost of both the Returning Officers and their returning offices to councils. In this regard it is proposed to have one Returning Officer appointed for the Gundagai, Lockhart and Wagga Wagga Council elections with the Returning Officer's office to be located in Wagga Wagga.

#### Integrated Planning and Reporting Reference

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

#### Legislative Policy & Planning Implications

Local Government elections are conducted in accordance with the Local Government Act and relevant NSW electoral laws.

### Budget & Financial Aspects

Council has been progressively transferring an amount each year to an Election Reserve to meet the costs of the 2024 Local Government elections.

### Attachments

Nil.

### **Recommendation:** That:

1. pursuant to s.296(2) and (3) of the Local Government Act 1993 (NSW) (“the Act”) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

## **14. GUIDELINES FOR AUDIT, RISK AND IMPROVEMENT COMMITTEES**

**(GM: 22/17041)**

### Executive Summary

Advice has been received from the Office of Local Government (OLG) that the Guidelines for the operation of Audit, Risk and Improvement Committees have been approved.

### Report

As previously reported to Council, amendments inserted into the Local Government Act in recent years require councils to appoint an Audit, Risk and Improvement Committee (ARIC).

The OLG has previously issued *Draft Guidelines for Risk Management and Internal Audit for Local Councils in NSW* to guide the operations of ARICs and to require councils to have a risk management framework and internal audit function to support and inform their operations. There have been several iterations of the Guidelines in draft form.

In December 2022 advice was received from OLG that the *Guidelines for Risk Management and Internal Audit for Local Government in NSW* (the Guidelines) have been approved. However, OLG has been advised that the amendments to the Local Government (General) Regulation 2021 giving statutory force to elements of the Guidelines will not be made until early 2023.

OLG has issued the approved Guidelines in draft form pending the supporting Regulation amendments being made so that councils can start to implement them.

The Guidelines, together with the model terms of reference for ARICs, an example risk management policy, and the model internal audit charter have also been published on OLG’s website.

Councils and joint organisations must comply with the Guidelines from **1 July 2024**. Set out below are some of the requirements that Council’s ARIC will have to comply with by that date.

- ‘Each council is required to appoint an audit, risk and improvement committee that comprises of an independent chair and at least two independent members that meet the independence and eligibility criteria in these Guidelines.
- Councils may appoint one councillor as a non-voting member of its audit risk and improvement committee. Councillors appointed as a non-voting member of an audit, risk and improvement committee must satisfy the eligibility criteria for councillor members of committees specified in these Guidelines
- The chair and independent voting committee members must not:
  - *currently be a councillor of any NSW council*
  - *be a non-voting representative of the board of the joint organisation*
  - *be a candidate at the last election of the council*
  - *be a person who has held office in the council during its previous term*

- *be currently employed by the council or joint organisation, or been employed during the last 12 months*
- *conduct audits of the council on behalf of the Audit Office of NSW*
- *have a close personal or business relationship with a councillor or a person who has a senior role in the council that may lead to a real or perceived conflict of interest*
- *currently, or within the last three years, provided any material goods or services (including consultancy, legal, internal audit and advisory services) to the council which directly affect subjects or issues considered by the audit, risk and improvement committee*
- *be (or have a close family member who is) a substantial shareholder, owner, officer or employee of a company that has a material business, contractual relationship, direct financial interest or material indirect financial interest with the council or a related entity which could be considered a real or perceived conflict of interest, or*
- *currently or have previously acted as an advocate of a material interest on behalf of the council or a related entity which could be considered a real or perceived conflict of interest.*
- Councils' general managers must appoint a member of staff of the council to direct and coordinate internal audit activities for the council.
- The member of staff of a council appointed to direct and coordinate internal audit activities is not to be subject to direction in the performance of internal audit activities by anyone other than the audit, risk and improvement committee.
- Commencing with the 2024-2025 annual report, the general manager must cause to be published in the council's annual report an attestation statement in the form specified in these Guidelines on the council's compliance with the Guidelines with respect to the membership and operations of its audit, risk and improvement committee, its risk management framework and internal audit function.
- The fees a council pays to the chair and independent members of its audit, risk and improvement committee are to be agreed between the council and the chair or member and reflect the time, commitment and responsibility involved in serving on the committee.
- Chairs and members can serve on a committee on a voluntary basis if they choose to.
- Councils are obliged under the Superannuation Guarantee (Administration) Act 1992 to make compulsory superannuation guarantee contributions on behalf of audit, risk and improvement committee chairs and independent members where they are remunerated
- Councils should determine whether professional indemnity and public liability insurance is required for the chair and independent members of their audit, risk and improvement committee

The Guidelines also outline eligibility criteria for chairs and independent members of ARICs with respect to the qualifications, skills and knowledge required.

Lockhart Shire Council has collaborated with five other councils in the region to form an Internal Audit Alliance. The Alliance is a cost-effective way of sharing the services of a contracted internal auditor and having general managers and finance staff sit as independent members of another council's ARIC. For example the General Manager and Director Corporate and Community Services are the chair and independent member respectively of Temora Shire Council's ARIC whilst the Junee Shire Council's General Manager and Director Corporate and Community Services are the chair and independent member respectively of Lockhart Shire Council's ARIC.

This arrangement will not be compliant with the new Guidelines and will have to be re-visited by the Internal Audit Alliance member councils. However the Guidelines do make provision for shared ARICs and this is currently being explored by the Internal Audit Alliance member councils.

#### Integrated Planning and Reporting Reference

- E1: Advocate and prepare for the long-term sustainability of our Shire.
- E1: Continue to enhance sound financial management policies and practices.
- E1: Meet all governance and regulatory requirements in the conduct of Council operations.
- E1: Minimise Council's exposure to risk and promote a strong risk management culture within Council.

#### Legislative Policy & Planning Implications

Council has complied with the primary obligation under the Local Government Act to establish an ARIC. However, the composition of the ARIC does not comply with the new eligibility requirements for ARIC chairs and independent members. Council will need to transition its ARIC in terms of its composition in order to comply with the new eligibility requirements by July 2024.

#### Budget & Financial Aspects

An allocation has been included in the 2022/23 Operational Plan Budget which covers the cost of a contracted internal auditor whose services are shared with other member councils which Council has collaborated with to form an Internal Audit Alliance.

Whilst the updated eligibility requirements will not impact on the 2022/23 budget they will result in additional governance costs to Council from 2024/25.

#### Attachments

The approved Guidelines are available on OLG's website at <https://www.olg.nsw.gov.au/councils/governance/risk-management-audit-and-internal-controls/risk-management-and-internal-audit-framework-for-local-councils-in-nsw/>

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

## 15. REVIEW OF THE LOCAL GOVERNMENT MISCONDUCT FRAMEWORK

(GM: 22/16960)

#### Executive Summary

In early 2022 the Minister for Local Government initiated an independent review of the framework for dealing with councillor misconduct in New South Wales.

A consultation paper was issued to facilitate an understanding of the current framework and to invite submissions identifying areas for improvement, together with suggestions for the practical application of those improvements. The report and key recommendations emanating from this review has now been released.

#### Report

At the Council meeting held on 21 February 2022 it was noted that the Minister for Local Government had initiated an independent review of the framework for dealing with councillor misconduct in NSW. A consultation paper was issued at the time to facilitate an understanding of the current framework and to invite submissions identifying areas for improvement, however Council did not make a submission at that time.

The report emanating from the review titled *Focus on Civic Responsibility: Councillor Conduct Accountability in New South Wales*, was released in December 2022 and is available on the Office of Local Government's (OLG) website at <https://www.olg.nsw.gov.au/councils/misconduct-and-intervention/review-of-councillor-misconduct-framework/>.

A consultation guide has been developed to focus attention on some of the key recommendations contained in the report. The Government sought the views of the public, local government sector and others on the findings and recommendations to inform its response to them. Submissions closed on 3 February 2023.

The report has recommended the establishment of a new framework for dealing with councillor misconduct in which code of conduct complaints about councillors are managed by regionally based Independent Councillor Conduct Review Panels under the regulatory oversight of an independent Councillor Conduct Commissioner. Panels will have stronger disciplinary powers than those currently available to councils including the ability to impose monetary penalties. Councils will be required to meet the Panels' and the Commissioner's costs in dealing with complaints about their councillors.

Other recommendations of the report include:

- requiring candidates at local government elections to participate in training before they can nominate
- mandating training for councillors
- allowing councillors to be prosecuted for breaches of their oaths of office
- empowering mayors to expel councillors from meetings for disorder, and

- placing a positive duty on mayors to deal with disorder at meetings – a failure by mayors to do so will constitute serious misconduct.

#### Integrated Planning and Reporting Reference

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

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

#### Legislative Policy and Planning Implications

Standards of conduct that all council officials (including councillors and staff) are required to observe are established through the *Model Code of Conduct for Local Councils in NSW* prescribed under the Local Government Act and the Local Government (General) Regulation 2021. All councils are required to adopt a code of conduct based on the Model Code.

#### Budget and Financial Aspects

Nil.

#### Attachments

*Focus on Civic Responsibility: Councillor Conduct Accountability in New South Wales*, is available on the OLG website at <https://www.olg.nsw.gov.au/councils/misconduct-and-intervention/review-of-councillor-misconduct-framework/>.

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

## 16. 2023/24 OPERATIONAL PLAN AND BUDGET

(GM: 23/1057)

#### Executive Summary

The purpose of this report is to adopt a timetable for the preparation of Council's 2023/24 Operational Plan and Budget.

#### Report

Council is required to have its Operational Plan adopted before the beginning of each financial year. Prior to adopting the Operational Plan by 1 July, the Council must prepare a draft Operational Plan and give public notice of the draft indicating that submissions may be made to the Council at any time during the period (not less than 28 days) that the draft is to be on public exhibition.

It has been the practice in the past to convene councillor workshops as part of the budget preparation process. Councillors may also wish to consider undertaking a bus tour of the Shire prior to the workshops to view first-hand the issues that will arise in the budgetary process and the priorities that will need to be determined.

In order to ensure that Council meets the legislative deadlines for adoption of the 2023/24 Operational Plan, and having regard to Council's current meeting cycle, the following timeline is proposed for Council's consideration:

Date	Description
Date to be determined	Bus tour of the Shire
20 March 2023	Councillor Workshop – Consideration of major projects and "wish lists" for inclusion in draft Budget and Operational Plan.
17 April 2023	Councillor Workshop – Consideration of draft Budget and Operational Plan.
15 May 2023	Ordinary Council Meeting – Draft Budget and Operational Plan tabled for endorsement to place on public exhibition.
17 May - 14 June 2023	Public Exhibition – Draft Budget and Operational Plan on public exhibition.

19 June 2023

Ordinary Council Meeting

– Draft Budget and Operational Plan tabled for adoption.

In addition to a bus tour of the Shire, another source of information that could assist Council's decision making with respect to the budget preparation process is a community satisfaction survey. Council carried out surveys in 2016 and 2019 that sought feedback from residents on the level of satisfaction with the services provided by Council and the degree of importance that residents placed on particular services.

These surveys were prepared in house, were quite basic in nature and made available through Council's newsletter and online. Whilst not provided for in the current budget, Council might like to consider undertaking a more sophisticated survey in the future by outsourcing it to a specialised firm as other councils have done.

It is recommended that Council undertake a similar survey to the one undertaken in previous years as part of the 2023/24 budget preparation process and a more sophisticated survey be undertaken in early in the 2024/25 financial year in the lead up to the 2024 Local Government elections. This will provide the new incoming Council with valuable information when reviewing its Integrated Planning and Reporting documents e.g. Community Strategic Plan and Delivery Program, as it will be required to do within the first 12 months of the election. It will also give Council the opportunity to make provision in the 2024/25 budget for such a survey.

#### 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 & Planning Implications

In order to comply with the legislative deadlines contained in the Local Government Act, and having regard to Council's current meeting cycle, it will be necessary to endorse a Draft Budget and Operational Plan for public exhibition at the May Ordinary Council meeting and adopt the final version of the documents at the June Ordinary Council meeting after considering any submissions received.

#### Budget & Financial Aspects

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

#### Attachments

Nil.

**Recommendation:** That Council:

1. Endorse the timeline outlined in the report for the preparation of the 2023/24 Draft Budget and Operational Plan including the conduct of Councillor Workshops on 20 March and 17 April 2023.
2. Undertake a Community Satisfaction Survey prepared inhouse similar to previous years as part of the 2023/24 budget preparation process.
3. Make provision in the 2024/25 Budget for outsourcing the conduct of a residents' survey to a specialised firm.

## 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.

#### **17. PROPOSED ACQUISITION OF LAND**