



BUSINESS PAPER

**of the
Ordinary Meeting
to be Held
21 August 2023**

**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

OPENING WITH A PRAYER

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MAYORAL MINUTE

Nil.

REPORT ON MAYORAL & COUNCILLOR ACTIVITIES

To be presented at the meeting.

URGENT MATTERS

Nil.

NOTICE OF MOTION

Nil.

COMMITTEE REPORTS

DELEGATES' REPORTS

1. DELEGATES REPORT – NSW COUNTRY MAYORS ASSOCIATION MEETING HELD IN SYDNEY ON 4 AUGUST 2023

(GM: 23/9194)

I attended a meeting of the Country Mayors Association in Sydney on 4 August 2023 on behalf of the Mayor.

The Country Mayor's Association meeting was addressed by:

- The Hon Penny Sharpe, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage.
- The Hon Tara Moriarty, Minister for Agriculture, Minister for Regional NSW, Minister for Western NSW.
- Mr Simon Draper, CEO NSW Reconstruction Authority.
- Cr Durriea Turley, President of Local Government NSW.
- The Hon Dugald Saunders, Shadow Minister for Regional NSW and Shadow Minister for Agriculture and Natural Resources.
- The Hon Wendy Tuckerman, Shadow Minister for Local Government and Shadow Minister for Small Business.
- The Hon Mark Speakman, Leader of the Opposition.

The following points were noted:

- The biodiversity offsets scheme is currently being reviewed with the report to be tabled in Parliament later this month. Some councils have expressed concern that the scheme can be a constraint on development.
- Concern was expressed at speculation that the Resources for Regions grant program may be abolished. This program is available to mine affected local government areas.
- Funds previously set aside for Round 6 of the Stronger Country Communities Fund are also under review by the new Government.

- The NSW Government has announced that agreement has been reached with the Australian Government to expand the single employer model for GPs and emergency doctors in rural and regional NSW. This initiative was first trialled in the Murrumbidgee Local Health District.
- The Country Mayors Association has, for advocacy purposes, prepared a Budget Priorities document for distribution to Government Ministers in the lead up to the State Budget. The five key priority areas highlighted in the document are financial sustainability, housing, labour, transport and roads, and health.
- An Opposition MP has introduced a Private Members Bill that if passed would make it clear that the RFS red fleet assets are owned by the State Government and not councils. The Bill is yet to be considered by Shadow Cabinet.
- The Country Mayors Association, in conjunction with Wagga Wagga City Council, is convening a Regional and Rural Health Forum in Wagga on 15 September 2023.
- Several new members were admitted taking the membership to 84 out of a possible 92 councils.

Cr Ian Marston

2. POLICE AND COMMUNITY CONSULTATION GROUP - 8 AUGUST 2022 AT YERONG CREEK (DEES: 23/9595)

A quarterly meeting of the Police and Community Consultation Group was held at the Yerong Creek Bowling Club on Tuesday, 8 August 2023.

The meeting was attended by NSW Police and representatives of licensed premises and community organisations in the Shire. The following matters were noted:

- The Committee welcomed Inspector Justin Falkiner and Senior Constable Phillip Bitterlin of the NSW Police who recently transferred to the region in their respective roles.
- The local Police force will be back to a full complement from 1 October 2023 with the replacement of Constable Conor Dewar.
- Police representatives provided statistics on the number of incident responses since the previous meeting.
- Community representatives advised of forthcoming events in their local areas.
- Attention was drawn to the issue of the Kings Own Hotel site at The Rock which has been subject to vandalism etc. The Police confirmed that regular patrols of the area were being carried out. The Committee recommended that the Council investigate the possibility of acquiring the site.
- It was also recommended that the Council lobbies the State Government for the establishment of an ambulance station at The Rock having regard to the travel time from Yerong Creek to either Wagga or Lockhart.

Cr G Verdon
Delegate

STATUS REPORT/PRÉCIS OF CORRESPONDENCE ISSUED

Status Report: Council Resolutions and Tasks to be finalised

(GM: 23/8368)

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 17 July 2023			
130/23	GM	<p>LG NSW Annual Conference</p> <ol style="list-style-type: none"> 1. Appoint the Mayor as its voting delegate at the 2023 LGNSW Annual Conference; and 2. Nominates one other Councillor to attend the Annual Conference together with the Mayor and the General Manager. 	Awaiting confirmation of other councillor to attend the Conference with the Mayor to complete conference registration.
123/23	DCCS	<p>Request for Financial Assistance – Yerong Creek Recreation Ground Management Committee</p> <ol style="list-style-type: none"> 1. Council provides financial assistance in the amount of \$27,000 to the Yerong Creek Recreation Ground Management Committee and that the contribution be funded from the “Community Financial Assistance S356” internally restricted reserve, with all repairs and maintenance to be met by the Management Committee. 2. Existing Toro zero turn mower be transported to the Lockhart Depot for Council’s mechanics to undertake an assessment of repairs required. Any repairs up to the value of \$5,000 be costed to Plant Running Expenses. 	<ol style="list-style-type: none"> 1. Council is liaising with representatives of the management committee in sourcing a second-hand mower. 2. Transport of Toro zero turn mower to Lockhart is to be arranged.
122/23	DCCS	<p>Request for Financial Assistance – Southern Sports Academy</p> <p>Council makes a \$400 contribution to the Southern Sports Academy.</p>	<p>Payment processed. Complete</p>
121/23	GM	<p>Request for Financial Assistance – Lockhart Progress Association</p> <ol style="list-style-type: none"> 1. Council contributes an amount of \$500.00 to the Lockhart Progress Association for Christmas decorations. 2. The same financial contribution be offered to The Rock and Yerong Creek Progress Associations. 3. The Progress Associations be requested to consult shop owners prior to placing decorations outside their premises or on structures attached to their buildings. 	<p>Correspondence forwarded to the Lockhart, The Rock and Yerong Creek Progress Associations. Complete</p>

Lockhart Shire Council
Ordinary Meeting – 21 August 2023

Minute No:	Officer to Action	Council Resolution	Action Taken
119/23	GM	<p>Phase 4 Local Roads and Community Infrastructure Grants Program</p> <p>Council nominates the following projects for funding under Phase 4 of the LRCI grant program:</p> <p>Part A: Local road and community infrastructure projects</p> <ol style="list-style-type: none"> 1. The Rock Show Society – new show pavilion \$ 200,000 2. Figtree Road intersection \$ 100,000 3. Pleasant Hills Tennis Courts \$ 80,000 4. Lockhart Community gym/health & wellbeing centre \$ 290,000 5. Lockhart Golf Club storage shed \$ 40,000 6. Pleasant Hills Recreation Ground amenities block \$ 100,000 7. Roads \$ 36,561 <p>Part B: Road projects</p> <ol style="list-style-type: none"> 1. Shoulder widening – “Davidsons Hill”, Yerong Creek Mangoplah Rd (500m) \$ 300,000 2. Vincents Road – seal 2km \$ 225,000 	Nominated projects submitted to the Department of Infrastructure and awaiting approval.
Ordinary Council Meeting held 19 June 2023			
100/23	DEES	<p>Proposed Speed Limit Changes – Green Street, Lockhart</p> <p>That Council seeks approval through Transport for NSW to introduce a 40km/h high pedestrian zone in Green Street, between Matthews Street and Day Street.</p>	Documentation being prepared for submission to Transport for NSW.
96/23	DCCS	<p>Request for Financial Assistance – The Rock Memorial Bowling Club</p> <p>that Council provide an interest free loan in the amount of \$20,000 to The Rock Memorial Bowling Club to enable the replacement of their synthetic bowling greens project to proceed.</p>	Loan agreement signed, payment processed. Complete.

*Lockhart Shire Council
Ordinary Meeting – 21 August 2023*

Minute No:	Officer to Action	Council Resolution	Action Taken
95/23	GM	<p>Magnolia Lodge and Youth Flats – Development Options</p> <p>That Council approach the Department of Communities and Justice - Housing to gauge the Department's interest in:</p> <p>a) Constructing additional independent living units and/or youth flats on the existing sites in accordance with Option 3 outlined in this report; or</p> <p>b) Consenting to Council subdividing the land on which the Youth Flats are situated with the new vacant lot created by the subdivision being developed in its own right in accordance with Option 4 outlined in this report; or</p> <p>c) Transferring its equity in the properties to Council free of cost in return for an undertaking from Council that the land will be further developed for independent living units and/or rental accommodation to help alleviate the housing shortage in accordance with Option 5 outlined in this report.</p>	<p>Verbal and written contact has been made with the Department of Communities and Justice – Housing and a response is awaited.</p>
Ordinary Council Meeting held 15 May 2023			
70/23	DCCS	<p>Appointment of Section 355 Committees</p> <p>That Council:</p> <p>1. Establish the Lockhart Golf Course Management Committee pursuant to section 355 of the Local Government Act and delegate to that Committee, care, control and management of the Lockhart Golf Course, being part Crown Reserve 620047 as shown on the attached plan, pursuant to section 377 of the Local Government Act.</p> <p>2. Establish the Lockhart Airstrip Management Committee pursuant to section 355 of the Local Government Act and delegate to that Committee, care, control and management of the Lockhart Airstrip and that part of Crown Reserve 620047 on which the hangars are situated as shown on the attached plan, pursuant to section 377 of the Local Government Act.</p>	<p>1. Meeting with Treasurer of the Lockhart Golf Club has occurred with the S355 to commence as of 1 July 2023. Complete</p> <p>2. A meeting of stakeholders is being organised.</p>

*Lockhart Shire Council
Ordinary Meeting – 21 August 2023*

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 20 March 2023			
44/23	DCCS/ DEES	<p>Lockhart Airstrip</p> <p>That Council:</p> <ul style="list-style-type: none"> • Prepares a new lease for the use of land being Certificate of Title Volume 15397 Folio 249 being Part Portion 49 for use as an airstrip for the amount of \$2,500. • Renews the lease for a period of 12 months, during which time the use of the airstrip be monitored and the formation of a sec355 Committee to manage the airstrip and associated facilities be investigated. • Undertakes a review of the lease to ensure any clauses referring to the Community Forest comply with the gazetted use of that Crown reserve; and • Investigates options for leasing the airstrip hangars to interested parties. 	<p>All submitters have been notified of the resolution.</p> <p>Draft lease being prepared.</p> <p>Formation of S355 committee has been approved.</p> <p>In progress.</p> <p>To be undertaken by s355 committee once operational.</p>
30/23	DCCS	<p>Notice of Motion – Cr Day – International Day for People with Disabilities</p> <p>Council considers, subject to funding availability, celebrating International Day for People with Disability held annually on 3 December which aims to increase public awareness, inclusion, understanding and acceptance of people with a disability and celebrate their achievements and contributions to the community, at a venue to be determined.”</p>	<p>Superseded: Combined with Questions & Statements 17 July 2023 – Cr Day -International Volunteer Day.</p> <p>Complete.</p>
Ordinary Council Meeting held 13 February 2023			
26/23	GM	<p>Proposed Acquisition of Land</p> <p>That, subject to obtaining the landowner’s consent, Council authorises the General Manager to prepare and submit a development application for the development of a car park on the land situated at Lot 2 DP1196082.</p>	<p>Development application has been lodged with landowner’s consent and currently being assessed.</p>
9/23	GM	<p>Disaster Recovery Funding Arrangements</p> <p>In accordance with the outcome of the Councillor Workshop held earlier in the day, Council nominates the following projects for funding under the Local Government Recovery Grants Program:</p> <ol style="list-style-type: none"> 1. Emily Street, The Rock – drainage improvements 2. Cole Street, Yerong Creek – drainage improvements 3. Green Street West, Lockhart – drainage improvements 4. Flood Detour Road – culvert installation 5. Waste Mgt Facilities Access Roads 6. Community information initiative (social media) 7. Access Road – Golf Club 	<p>Projects submitted to the Office of Local Government and funds received.</p> <p>More detailed costings and work plan now being prepared. OLG Portal has not been opened.</p>

*Lockhart Shire Council
Ordinary Meeting – 21 August 2023*

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 19 September 2022			
195/22	GM	<p>Model Media Policy – Consultation Draft</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.
Ordinary Council Meeting held 18 July 2022			
141/22	GM	<p>Request for Council to Purchase Private Access</p> <p>Council agrees to the request in principle subject to Council and the applicants agreeing to a reasonable cost sharing arrangement.</p>	Survey plan has signed by the affected landowners and now forwarded to the Mortgagee Bank for signature. Application for subdivision certificate has been approved and instructions issued for preparation of a contract of sale.
Ordinary Council Meeting held 16 May 2022			
109/22	GM	<p>Tender – 109 Green Street</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>	Public toilets complete. Paving and landscaping works rescoped. Materials being ordered with works to commence shortly.
Ordinary Council Meeting held 21 March 2022			
56/22	GM	<p>Development of Lockhart Industrial Estate</p> <p>Council prepares a subdivision application for the development of Stage 3 of the Lockhart Industrial Estate.</p>	Development application has been lodged and is currently being assessed.

*Lockhart Shire Council
Ordinary Meeting – 21 August 2023*

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 16 August 2021			
148/21	GM	<p>Proposed “Tim Fischer Way”</p> <p>Council to reinstate investigations into the erection of tourism signage indicating “Tim Fischer Way”.</p>	<p>Proposed to incorporate “Tim Fischer Way” touring route on new Visit Lockhart Shire website.</p> <p>Phase 1 complete with new website now live. Functionality to facilitate “Tim Fischer Way” touring route being developed is part of Phase 2 of the new website to be progressed in 2023/24.</p>
Ordinary Council Meeting held 19 April 2021			
63/21	GM	<p>Residential Development – Lockhart</p> <p>2) That Council proceed with the subdivision of Lots 62 and 90 Prichard Place Lockhart as outlined in the report.</p> <p>3) 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>	<p>The development application for Lot 62 (westernmost lot) has been approved. The application for Lot 90 has now also been approved.</p> <p>Subdivision works to be scheduled. Quotes from contractors being sought.</p> <p>Sewer design currently being prepared.</p>
Ordinary Council Meeting held 17 July 2023 – Councillor Questions & Statements			
Questions & Statements	DEES	<p>Cr Marston: The Rock Bowling Club, Telegraph Pole</p> <p>Referred to a telegraph pole in Wilson Street, at the rear of The Rock Bowling Club, and drew attention to a hole in the ground adjacent which is covered by grass. Cr Marston requested that Council inspect and carry out remedial work as it is a hazard for pedestrians.</p>	Works request created.
	DCCS	<p>Cr Day: International Volunteer Day, 5 December</p> <p>Referred to the proposal to seek funding for an event to celebrate International Day for People with a Disability on 3 December and enquired could this be combined with an event to celebrate International Volunteer Day on 5 December?</p>	To be combined with International Day for People with Disabilities, 3 December per Res. 30/23.
	DEES	<p>Cr Walker: Town Entrance Sign, The Rock Mangoplah Road</p> <p>Drew attention to this sign which requires some maintenance to straighten it up.</p>	The Director advised he is aware of the issue and remedial works have been programmed.
	DEES	<p>Cr Rockliff: Lockhart Museum Entrance</p> <p>Referred to the area in front of Lockhart Museum and asked if any progress has been made regarding the problem of water building up and covering the ramp and ponding under and around the ramp.</p>	Works request created.
	DEES	<p>Cr Verdon: Yerong Street – adj. to Branch Line</p> <p>Drew attention to potholes in Yerong Street, adjacent to the branch line, which require some attention.</p>	Works request created.

*Lockhart Shire Council
Ordinary Meeting – 21 August 2023*

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 19 June 2023 – Councillor Questions & Statements			
Questions & Statements	DEES	<p>Cr Walker: Public Toilets, The Rock Showground</p> <p>Asked for an update on progress of the installation of footpath around the amenities at The Rock Showground and asked if it could be completed prior to The Rock Show.</p>	Concreting undertaken. Complete.
	GM	<p>Cr Rockliff: CCTV</p> <p>Requested a progress report on this project, given the problems which have occurred lately, and also asked if the funds currently set aside will be enough to complete the project.</p>	Scope extended to include entrance to Lockhart Caravan park and The Rock Golf Club. Contractor engaged.
Ordinary Council Meeting held 15 May 2023 – Councillor Questions & Statements			
Questions & Statements	DCCS	<p>Recreation Ground Lights</p> <p>Cr Jane Hunter: requested an update in relation to this project.</p> <p>Cr Gail Driscoll: asked is it possible that Council will not get the funding required and if so, can a Plan B be developed. Plan A is for the installation of LED lights. Can Plan B be making the towers safe and putting standard lights on them.</p>	<p>Costings received, contractor engaged. Work commenced.</p> <p>Lights at The Rock recreation ground should be installed on existing poles week of 21 August.</p>
	DEES	<p>Cr Sharp - South end of Lallarook Lane is a washout where water has been running over the road and not through the culvert and asked whether the culvert could be moved</p>	Options being investigated for culvert location.
	DCCS	<p>Cr Bob Mathews – Youth Officer: Advised that with the possibility of a sister city with Lockhart, Texas USA and the engagement through local schools, it is important that consideration be given to the appointment of a Youth Officer.</p>	<p>Report regarding the appointment of a Youth Officer to be tabled at a future meeting.</p> <p>See Staff Report 4.</p>
	DCCS	<p>Cr Gail Driscoll – Works at the Recreation Ground: Advised that the key was given to the builder about a fortnight ago but there has been no progress since that time.</p>	Works are progressing, approximately 90% complete.
Ordinary Council Meeting held 17 April 2023 – Councillor Questions & Statements			
Questions & Statements	DEES	<p>Cr Marston: Yerong Creek Mittagong Road Culvert – Trees Encroaching</p> <p>Referred to this culvert (near the Vincents Road intersection) where trees are encroaching on the road, and asked if Council could investigate trimming these trees.</p>	Works request created.
	DEES	<p>Cr Driscoll & Cr Walker: Street Sweeper</p> <p>Cr Driscoll asked if Council still has a streetsweeper. Cr Walker asked if funds put aside for street sweeping and maintenance, approximately \$40,000, are still available.</p>	Council has purchased a street sweeper which will arrive shortly. Complete.

Lockhart Shire Council
Ordinary Meeting – 21 August 2023

Minute No:	Officer to Action	Council Resolution	Action Taken
	DEES	Cr Mathews: Property – Urana Lockhart Road Referred to an untidy property on Urana Lockhart Road and asked if anything can be done to screen the property from the road?	To be considered for tree planting program. Complete.
Ordinary Council Meeting held 13 February 2023 – Councillor Questions & Statements			
Questions & Statements	DCCS	Cr Sharp: Old Building, Pleasant Hills Recreation Ground Referred to an old building, possibly change rooms dating back to the 1950's, which have become dangerous, with loose roofing sheets etc. Cr Sharp asked if it can be demolished.	Councillor Sharp is to liaise with "management committee" volunteers to demolish old building. At this stage will be scheduled when crops are in.
Ordinary Council Meeting held 21 November 2022 – Councillor Questions & Statements			
Questions & Statements	DCCS	Cr Hunter: Tiled Wall outside The Rock Gym 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.	Builders have indicated the 300x100 yellow tiles are no longer available and are attempting to source alternative sized tiles. Builder still trying to source matching yellow tiles.
Ordinary Council Meeting held 17 October 2022 – Councillor Questions & Statements			
Questions & Statements	DEES/ DCCS	Cr Verdon: Disability Access Across the Shire 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. Scope of works being discussed, with a quote resulting from consultant.
Ordinary Council Meeting held 18 July 2022 – Councillor Questions & Statements			
Questions & Statements	DCCS/ DEES	Cr Marston – The Rock Pony Club 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.	Works are being scheduled into the works program. Culvert on Yerong St to be installed in coming weeks. Internal gravel works hampered by water pooling, needing ground to dry out.
Ordinary Council Meeting held 20 June 2022 – Councillor Questions & Statements			
Questions & Statements	DCCS	Cr Hunter – Yerong Creek Bowling Club Advised the Bowling Club are still awaiting receipt of an Occupation Certificate for the building.	Majority of work has been completed. Additional fire extinguishers being sourced by Club. When installed, final fire safety inspection will be scheduled.

Correspondence Received

Date sent to Councillors	From	Subject
7 August 2023	Mayor, c/- Executive Assistant	Mayoral Update

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

STAFF REPORTS

STRATEGIC DIRECTION A: A Connected and Resilient Community

1. REQUEST FOR FINANCIAL ASSISTANCE – LOCKHART LIONS CLUB

(GM: 23/8980)

Executive Summary

A request for financial assistance has been received from the Lockhart Lions Club which is tabled for Council's consideration.

Report

The following correspondence has been received from the Lockhart Lions Club requesting financial assistance towards the cost of freight for the Club's cardboard recycling service:

"On behalf of the Lions Club of Lockhart we sincerely thank Lockhart Shire Council for their continued support you have given the Lions Club over many years.

In regards to our freight cost which has increased over the past several years and we are very grateful that the Shire has been re-imbursing the Lions club \$3,000.00 per year, however the freight cost has increased over \$3,000.00 per year and we were hoping that the Shire may be able to increase the re-imbursement to \$4,000.00 per year, many thanks."

As noted in the Lions Club's letter, Council makes an annual contribution to the Club's freight costs. It is one of a number of recurring contributions made by Council and incorporated into the adoption of the annual budget. An amount of \$3,200 has been included in the 2023/24 budget for this purpose. If Council approves the request the amount will be increased by \$800 to \$4,000.

The Club's recycling activities recycle significant amounts of cardboard from local businesses and is also an important fundraiser for the Club with the funds raised being used for community benefit.

Integrated Planning and Reporting Reference

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

A2: Support, or partner to provide, welcoming and well-maintained community spaces and facilities.

Legislative Policy & Planning Implications

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

Budget & Financial Aspects

Council has allocated an amount of \$52,000 in the 2023/24 Budget for the consideration of requests for financial assistance pursuant to Section 356 of the Local Government Act.

Attachments

Nil.

Recommendation: That Council increases its annual contribution to the Lockhart Lions Club's freight costs from \$3,200 per year to \$4,000 per year.

2. SPIRIT OF THE LAND LOCKHART – REQUEST FOR FINANCIAL ASSISTANCE

(DEES: 23/9721)

Executive Summary

A request for financial assistance has been received from the Spirit of the Land Lockhart Inc. and is tabled for Council's consideration.

Background

In June 2018 Council resolved:

That Council continues to support the Spirit of the Land Festival as follows:

- a) \$11,000 in 2018/19 budget;
- b) \$10,000 in 2019/20 budget; and
- c) \$9,000 in 2020/21 budget.

Each of these amounts included an in-kind contribution of \$2,000 with a remaining cash contribution. Amounts were carried over due to the cancellation of two events due to COVID-19.

Report

The Spirit of the Land Lockhart Inc. has written to Council seeking continuation of financial support towards the annual Spirit of the Land Festival for a further three years. The committee has requested an annual cash contribution of \$7,000 and an increased in-kind contribution of \$5,000. The committee request is due to the increase in compliance and employee costs which has totalled \$5,000 - \$6,000 previous years.

Integrated Planning and Reporting Reference

A1.3: Support community driven projects.

Legislative Policy & Planning Implications

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

Budget & Financial Aspects

Council has allocated an amount of \$52,000 in the 2023/24 budget to accommodate requests for financial assistance (noting \$13,300 of this amount has already been allocated). There is a sufficient amount remaining in the budget allocation to approve the request from the Spirit of the Land Festival Committee.

Attachments

- Letter dated 12 July 2023 from the Spirit of the Land Lockhart Inc.

Recommendation: That Council continues to support the Spirit of the Land Festival and that the contribution be funded from the 2023/24 budget allocation for Section 356 contributions as follows:

- a) \$12,000 in 2023/24;
- b) \$12,000 in 2024/25; and
- c) \$12,000 in 2025/26.

Staff Report 2: Attachment – Letter, Spirit of the Land Inc. Requesting Financial Assistance

SPIRIT OF THE LAND LOCKHART INC

P.O. Box 98, LOCKHART NSW 2656
info@spiritofthelandlockhart.com.au
www.spiritofthelandlockhart.com.au
ABN: 31 198 128 281



12 July 2023

Lockhart Shire Council
65 Green Street
Lockhart NSW 2656

Dear Councillors

Request for Financial Assistance

Spirit of the Land Lockhart Inc. is a volunteer based not-for-profit organisation which has hosted the Spirit of the Land festival for a period extending well over ten years attracting several thousand people to the Shire on the second weekend of October each year. As the Shire's signature festival event it has enjoyed the financial support of the Council throughout this time, without which the festival would not be financially viable.

To overcome the need to consider a request for financial support on an annual basis the Council, in May 2018, committed to financially supporting the festival for the ensuing three years. Whilst that was five years ago, Spirit of the Land Lockhart Inc. has not sought the Council's support again until now as the event has only been held three times in that five-year period because of two cancelled events due to the COVID-19 pandemic.

The Council has provided annual financial support totalling \$9,000, comprising a cash contribution of \$7,000 (reduced from the original amount of \$10,000) and an in-kind contribution of \$2,000. The in-kind contribution relates to the assistance provided by Council staff with respect to road closures, traffic management, emptying of garbage bins etc.

Spirit of the Land Lockhart Inc. appreciates the support provided by the Council in the past and requests that Council consider committing to financial supporting the festival again for the next three years with an annual cash contribution of \$7,000 and an in-kind contribution.

With respect to the in-kind contribution, it is respectfully requested that the Council consider increasing the amount of assistance to \$5,000. The amount of in-kind support provided by the Council has not been reviewed since the early years of the festival. Since that time there has been a significant increase in compliance requirements and employee costs which has resulted in Spirit of the Land Lockhart Inc. receiving an invoice from the Council each year in the order of \$5,000 - \$6,000 after the amount of in-kind support valued at \$2,000 is taken into account. This effectively cancels out the cash contribution provided by the Council towards the event.

Your favourable consideration of this request will be greatly appreciated and will ensure the ongoing viability of the festival which generates significant economic activity for local businesses, provides local community groups with fundraising opportunities and helps showcase the Lockhart Shire.

Yours sincerely

A handwritten signature in black ink, appearing to read 'H Stakelum', written over a horizontal line.

Helen Stakelum
Secretary

3. REVIEW OF SUBSIDIES TO RECREATION GROUND MANAGEMENT COMMITTEES
(DCCS 23/9712)

Executive Summary

Council has requested a report on the subsidies paid to all recreation ground management committees.

Report

At the June 2023 Council meeting in the resolution to adopt Council's Budget and Fees and Charges for 2023/24, it was recommended that:

“Consideration of the Yerong Creek Recreation Ground Management Committee’s request for an increase in the annual subsidy, and one-off financial assistance, be deferred to the next Council meeting pending a review of subsidies paid to all recreation ground management committees.”

There are five recreation ground management committees in the Shire that receive a subsidy from Council:

- Lockhart Recreation Ground
- Osborne Recreation Ground
- Pleasant Hills Recreation Reserve
- The Rock Recreation Ground
- Yerong Creek Recreation Ground

The attached table details the subsidy each management committee has received from 2013/14 to 2023/24.

The three “main” recreation grounds, Lockhart, Osborne and The Rock receive the largest subsidy amounts due mainly to their use all year round with both winter and summer sports usage.

Historically, Osborne received slightly less due to there being a dam and not having to pay for water all year round, this was equalised in 2021/22 with Osborne receiving the same subsidy as Lockhart and The Rock.

The significant increase in the Yerong Creek subsidy from 2012/14 to 2014/15 was due to the management committee taking on additional mowing outside of the recreation ground. This was mainly mowing at the Yerong Creek Cemetery and roadside mowing around the township and road from the township to the cemetery. Noting the subsidy was not reduced when the additional mowing was scaled back and limited to mowing around the township. This was due to work health and safety issues whereby Council took on the mowing of the cemetery and roads outside the township.

From 2018/19 all the management committees received a “real” increase in their subsidy, in that Council took on the payment of insurance for all the buildings and structures on the recreation grounds. Previously each management committee paid for the insurance premium for the buildings and structures under their care, control and management.

In 2020/21 Council increased the subsidy to management committees by 40%, initially, as a one off due to loss of income potential due to Covid. Council was able to fund this increase ongoing and the 40% increase has remained.

Overall Council has always been supportive of its management committees, as the “care, control and management” of these facilities by volunteers is significant and greatly appreciated by Council.

It should be noted the annual S355 subsidy is to assist each management committee with funding the operating costs to maintain their facilities. So, while Council provides its annual S355 subsidies, this does not preclude any management committee from requesting further financial support via Council's S356 budget allocation. These requests are mainly for larger one-off type costs that the annual subsidy is unable to fund. There have been many cases of management committees seeking such one-off funding requests over the years.

For the Yerong Creek Recreation Ground Management Committee's request to increase their annual subsidy, the Director of Corporate and Community Services has met with representatives of the management committee and indicated that Council would need to see data of actual costs before making an informed estimation of future costs. Also, the Director noted that their subsidy was not reviewed and reduced when the management committee significantly scaled back on their “additional” mowing.

Their request to have the same subsidy as Lockhart, Osborne and The Rock would be difficult to justify on the basis there is only summer usage and a couple of uses over winter.

Over the next 12 months the management committee and Council will monitor the actual costs of electricity, water and other costs associated with the irrigating and the upkeep of the “new” cricket oval at the Yerong Creek Recreation Ground, and if deemed necessary a further report may come to Council to request an increase in their subsidy.

Integrated Planning and Reporting Reference

- A1: Build capacity, capability and partnerships to encourage sustainable community groups and clubs.
- A1: Provide support and advice to community groups, clubs and volunteers.
- A1: Within financial means support and fund section 355 committees to manage and maintain council facilities.

Legislative Policy & Planning Implications

Committees are established by a resolution of Council pursuant to section 355 of the Local Government Act. The Council may dissolve any such Committee at any time.

Once a committee is established by a Council resolution, the Council may, pursuant to section 377 of the Local Government Act, delegate certain functions to that committee.

Budget & Financial Aspects

Council's annual budget makes provision for financial support to be provided to all recreation ground management committees established pursuant to Section 355 of the Local Government Act.

Attachments

- Table of subsidies paid to recreation ground management committees from 2013/14 to 2023/24.

Recommendation: That the information be noted.

Staff Report 3: Attachment - Table of subsidies paid to recreation ground management committees 13/14-23/24

Subsidies to Recreation Ground Management Committees	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Lockhart Recreation Ground	\$ 9,000	\$ 9,500	\$12,500	\$12,500	\$12,500	\$12,500	\$12,500	\$17,500	\$ 17,500	\$17,500	\$ 17,500
Osborne Recreation Ground	\$ 7,500	\$ 9,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$16,800	\$ 17,500	\$17,500	\$ 17,500
Pleasant Hills Recreation Reserve	\$ 460	\$ 500	\$ 500	\$ 500	\$ 500	\$ 1,500	\$ 1,500	\$ 2,100	\$ 2,100	\$ 2,100	\$ 2,100
The Rock Recreation Ground	\$ 9,000	\$ 9,500	\$12,500	\$12,500	\$12,500	\$12,500	\$12,500	\$17,500	\$ 17,500	\$17,500	\$ 17,500
Yerong Creek Recreation Ground	\$ 2,680	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 9,800	\$ 9,800	\$ 9,800	\$ 9,800
Unallocated Re: Property Insurance Revaluation						\$ 6,000	\$24,100	\$28,000			
	\$28,640	\$35,500	\$44,500	\$44,500	\$44,500	\$51,500	\$69,600	\$91,700	\$ 64,400	\$64,400	\$ 64,400

4. YOUTH OFFICER POSITION

DCCS 23/9723

Executive Summary

The purpose of this report is to provide Council with an update on the Youth Officer position.

Report

Council had a long history of sharing a Youth Officer with Greater Hume Shire Council. This arrangement has been terminated by Greater Hume Shire Council, as when their Youth Officer position became vacant, they undertook a review and deemed they no longer require a full time Youth Officer.

This has left Lockhart without any dedicated Youth Officer capacity. Council has enquired with Narrandera Shire Council if they would consider discussing a job share arrangement, however Narrandera have recently restructured their Youth Officer resources and do not have capacity at this stage.

The Youth Officer position/resource has been discussed at Manex, and moving forward Manex would be recommending that this position/resource be broadened to encompass more than just Youth activities. It would be recommended that the Youth Officer budget be used to create a Community Services Officer position, which could incorporate into this position such events as International Volunteers Day and International Day for People with Disabilities as examples.

Council will develop a position description for a Community Services Officer with a report to a future Council meeting, which will include any budget implications. This position will likely be a part time position in the range of two to three days per week.

Integrated Planning and Reporting Reference

- A3: People of all ages, abilities, and backgrounds participate in community life.
- Support our children and young people.

Legislative Policy & Planning Implications

Nil.

Budget & Financial Aspects

The 2023/24 Budget provides a budget allocation of \$25,000 for a Youth Officer.

Attachments

Nil.

Recommendation: That the information be noted.

STRATEGIC DIRECTION B: A Dynamic and Prosperous Economy

Nil.

STRATEGIC DIRECTION C: An Environment that is Respected and Protected

Nil.

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

5. ENGINEERING AND ENVIRONMENTAL SERVICES REPORT

(DEES)

Executive Summary

Monthly report on engineering and environmental services matters.

Background Information

Works

Council received \$2,426,764 under the Regional and Local Roads Program. The following roads have been included in the program for stabilisation and drainage work:

- MR59 Wagga Road
- MR59 Urana Road
- MR370 Albury Road
- MR543 The Rock Collingullie Road
- MR 543 Urana Street, The Rock
- Western Road
- The Rock Bullenbong Road
- Lockhart The Rock Road

Council also received \$1,000,000 under the Local Government Recovery Grant Program. The following estimates have been provided to the OLG:

- Emily Street, The Rock - \$215,000
- Cole Street, Yerong Creek - \$80,000
- Green Street West - \$385,000
- Waste Facility Access - \$100,000
- Community Information Platform - \$70,000
- Flood Detour Road - \$150,000

Storm Event: Sections of unsealed roads which have been identified as damaged as a result of January 22 rain events are under way which include:

- Carrolls Lane, Ellis Lane, Fletts Lane, Gilmores Lane, Moffatts Lane,
- Erinvale Road, Fergusons Lane, Finlayson Lane, Tinamba Lane, Eulensteins Road, Albert Smiths Lane.

Unsealed Roads: Unsealed Road Maintenance of Shire gravel roads has been conducted on Seeligers Lane, Fergusons Lane, Neuhaus Lane, Finlayson Lane, Tootool Mittagong Road, Mortons Lane, Commera Wilson Lane, Jack Mitchells Lane, Bankvale Road, Cox Lane, Tinamba Lane.

Maintenance Crews: The bitumen crew have been kept busy with an increase of pavement failures due to the weather, routine maintenance has continued on our Local and Regional Roads. Maintenance crews have been attending to the back log of customer enquiries, gravel patching back lanes, Green Street heavy patching, installing culverts on Vincent Road and completion of installing Shire entry signs.

Mittagong Yerong Creek Road: Clearing works has commenced with the removal of several trees. All culverts delivered. Project extended to 2024 with work to commence September/October 2023.

Parks & Gardens

Avenue of Honour Extension, The Rock

The hard landscaping, including granite surfaces, steel garden bed edging, drip irrigation, walk bridge and dry creek bed have been completed. Planting of the garden beds will be done by Council staff as resources are available.

A concreter will be employed to install pram ramps to allow wheeled access to the new gardens and to change the existing driveway on the opposite side of Urana St into pedestrian access only.

Esplanade Upgrade, Pleasant Hills

Construction of the granite footpath has been completed. Quotes have been received for furniture, including benches, rubbish bins, picnic table and shelter. Design and quotes for the bird hide have been considered and agreed upon.

Stan Galvin Park, Yerong Creek - New Footpaths

Quotes have been received for the construction of the new paths.

109 Green St, Lockhart - Landscaping

Alterations to the landscape plan have received approval. Quotes for supplies have been sought and ordered. Installation will commence upon arrival of materials.

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.

Trees

Annual under-pruning of Council's street trees and pruning of limbs protruding into urban lanes will be conducted throughout cooler months.

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.

Biosecurity

Control Program

Priority has been given to the control of Coolatai grass (*Hyparrhenia hirta*), Horehound (*Marrubium vulgare*) and Wild radish (*Raphanus raphanistrum*) on roadside reserves and council managed land. All known Spiny burgrass (*Cenchrus spinifex*) sites, located within Red Guidepost areas, were sprayed to eliminate all growth.

LEP Review

Habitat Planning are progressing with the review of the Lockhart Local Environmental Plan 2012. The Scoping Report is being finalised and will then be submitted to the Department of Planning and Environment. The Scoping Report is a report indicating the background and strategic justification to the Department for the zoning/LEP amendments that were identified as part of the Lockhart Shire Local Housing and Employment Strategy.

Development Activity for the period ending 31 July 2023

DA/CDC No.	Development	Site of Development	Applicant	Value
DA53/23	Change of Use – Convert Church to a Dwelling House	1962 Western Rd, Urangeline	M Zhouand	\$150,370.00
DA61/23	Shed with bathroom & attached awning	11 King St, The Rock	J Nagengast	\$58,332.00
DA67/23	New Shed	46 Nicholas St, The Rock	S Harper	\$69,642.00
DA70/23	Subdivision for Agricultural purposes	2177 Osborne Yerong Creek Rd, Wrathall	L Ryan	\$5,000.00
DA01/24	New 4-bedroom Home & shed	16 Veneris St, Lockhart	SG Hounsell	\$944,000.00
DA02/24	Subdivision for Agricultural purposes	Osborne Yerong Creek Rd, Wrathall	L Ryan	\$5,000.00
DA04/24	New Carport with attached Shed	13 Scott St, The Rock	S Harper	\$32,000.00
			TOTAL:	\$1,264,344.00

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.

6. HIRE (DRY AND WET) PLANT AND EQUIPMENT

(DEES: 23/9302)

Executive Summary

The purpose of this report is for Council to approve the list of hire companies for Miscellaneous Plant Hire (Dry Hire) and suitably qualified contractors for hire (wet) plant and equipment, for the period 1 July 2023 to 30 June 2024.

Background Information

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

A request for a schedule of rates was sent to selected companies for the dry hire of plant and an advertisement was placed in the local newspapers and on Council's website for the submission of wet hire plant and equipment. Council received responses from the following:

1. Orange Hire Leeton - Earthmoving
2. Smallmon Bros Wagga Wagga - Waste
3. Grid logistics St Marys – Earthmoving
4. Aqua Assets Revesby - Drains
5. Coates Hire - Earthmoving
6. Summit Open Space Services Glendenning – Earthmoving
7. Double Gully Services Lavington – Slashers, mowers
8. Superior Crane Hire Wagga Wagga
9. Spicer Earthmoving Armidale
10. Rollers Pty Ltd Wagga Wagga
11. Boots Civil – Earthmoving
12. R & L Holyoake - Earthmoving
13. RW & LM Thomson – Water Truck
14. Campo's Earthworks - Earthmoving
15. Solomons Provisions (A & S Mulholland) – Gravel trucks

Council is not bound to accept the lowest rates, or any rates submitted. The criteria used for assessing and selecting plant for dry hire include:

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

The Council may undertake an ongoing evaluation of the hire companies' performance. The evaluation may be considered in the assessment of future requests for services of a similar nature. A copy of any such evaluation will be forwarded to the company. If the company disagrees with the evaluation, they may forward a request to Council's Manager Works for a review along with reasons why it should be reviewed. The Council's decision will be final. Council reserves the right to terminate agreements/contracts if the companies' performance has been identified as unsatisfactory and the company fails to rectify this. Once hired, a daily equipment hire order including a safety check must be completed.

Appointment of a contractor will depend on the availability of plant and equipment required for a specific period as well as current insurances and Work, Health and Safety Systems in place.

Legislative Policy and Planning Implications

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

Integrated Planning and Reporting Reference

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

Budget and Financial Aspects

Council's auditors advised that 'Management should review expenditure on an annual basis to identify goods or services where expenditure regularly exceeds \$250,000 annually and assess whether these should be subject to a competitive tender process.

Council may hire (wet & dry hire) plant on occasions when it is unable to provide plant from its own fleet. Although every effort will be made to minimise the cost of plant hire and keep the cumulative cost per hire company below \$250,000, circumstances may arise where the \$250,000 limit may be exceeded. Irrespective whether the expenditure is spread over several projects it is proposed that Council approves the contractors for the hire (wet and dry) of plant and equipment for the 2023-24 financial year to satisfy the recommendation by Council's auditors.

Attachment

Nil.

Recommendation: That Council approves the following companies for Miscellaneous Plant Hire (Dry Hire and Wet Hire) for the period 1 July 2023 to 30 June 2024:

1. Orange Hire Leeton – Earthmoving
2. Smallmon Bros Wagga Wagga - Waste
3. Grid logistics St Marys – Earthmoving
4. Aqua Assets Revesby - Drains
5. Coates Hire - Earthmoving
6. Summit Open Space Services Glendenning – Earthmoving
7. Double Gully Services Lavington – Slashers, mowers
8. Superior Crane Hire Wagga Wagga

9. Spicer Earthmoving Armidale
10. Rollers Pty Ltd Wagga Wagga
11. Boots Civil – Earthmoving
12. R & L Holyoake - Earthmoving
13. RW & LM Thomson – Water Truck
14. Campo's Earthworks - Earthmoving
15. Solomons Provisions (A & S Mulholland) – Gravel trucks

7. ROAD UPGRADE PROGRAM

(DEES: 23/9554)

Executive Summary

The review of the Lockhart Shire Council road classification was completed and endorsed by Council in March 2023. The proposed method of delivery is presented for information.

Background Information

Council received several requests to reclassify roads with a view to either upgrade the road from a gravel road to a sealed road or to a higher classification of gravel road receiving a higher service level. Justification for reclassification of roads is difficult as Council's Policy 2.17 *Local Roads Classification & Maintenance* offers a local road classification based on asset typology e.g., whether a road is sealed or unsealed, rather than its function.

A review of the Lockhart Shire Council road classification was undertaken to identify changes to the network to ensure that the network is meeting the needs of the community and industry, within the available levels of funding.

At the March 2022 Council meeting council resolved to:

1. *Establish a Road Classification Working Group to oversee a review of road classifications in the Shire; and*
2. *Nominate the following Councillors to participate in the Working Group*
 - A Ward Cr Rockliff*
 - B Ward Cr Sharp*
 - C Ward Cr Verdon*

The Working Group met and agreed to proposed changes which was distributed to all councillors for comment.

Following consultation and subsequent amendments the following was adopted at the March 2023 meeting:

NAME	C1	C2	EF
Adams Lane	0	0	0
Albert Smiths Lane		3.2	-3.2
Aumanns Lane		1.8	-1.8
Bankvale Road	-5.2	5.2	
Bulloc Hill Road		1.7	-1.7
Carrolls Lane		2.4	-2.4
Clancys Lane		0.5	-0.5
Fargunyah Lane		3.2	-3.2
Frank Westblades Lane	8.2	-8.2	
Geddes Lane		1	-1
Gilmours Lane		1.2	-1.2

NAME	C1	C2	EF
Illetts Lane		2.6	-2.6
Janetskes Lane		3.8	-3.8
Krauses Lane		2.3	-2.3
McRories Lane	-4.1	4.1	
Mittagong Yerong Creek	0	0	0
Napier Road	-5.2	5.2	
Poverty Lane		2.7	-2.7
Rawson Park Road	-0.6	0.6	
Vincent's Road	8.7	-8.7	
Wetmores Lane	0	0	0
TOTAL	1.8	24.6	-26.4

The estimated costs to enable the adopted improvements to the road classification is \$1,640,000. In order to achieve this improvement in service levels it is proposed to roll out the upgrades over several financial years as aligned with the current gravel re-sheet program. An increase in Council's unsealed roads budget will be required. Furthermore, it is proposed to delay the changes until such time as the Flood Recovery Grant money is spent by Council. The proposed program is presented below:

Road	Year
Albert Smiths Lane	23/24
Fargunyah Lane	23/24
Aumanns Lane	24/25
Bulloc Hill Road	24/25
Clancys Lane	24/25
Geddes Lane	24/25
Gilmours Lane	24/25
Carrolls Lane	25/26
Poverty Lane	25/26
Seeligers Lane	26/27
Illetts Lane	27/28
Janetskes Lane	27/28
Frank Westblades Lane	28/29
Vincent's Road	29/30

Based on the above an increase of \$150,000 to Council's road maintenance budget is sought.

Legislative Policy and Planning Implications

Nil.

Integrated Planning and Reporting Reference

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

Budget and Financial Aspects

Increase Council's annual road maintenance budget by \$150,000.

Attachment

Nil.

Recommendation: That Council:

- a) notes the information in the report; and
- b) an increase of \$150,00 to the annual road maintenance budget be incorporated into the first quarterly budget review for the 2023/24 year.

STRATEGIC DIRECTION E: Strong Leadership and Governance

8. INVESTMENT AND BANK BALANCES REPORT – JULY 2023

(DCCS: 23/9189)

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

Opening Combined Cashbook Balance			242,682.26
Add: Total Receipts			
	Rates	56,380.15	
	Debtors	34,278.33	
	Miscellaneous	89,087.49	
	Interest	24,942.50	
	Transport for NSW - JULD	30,982.50	
	June BAS Refund	44,576.00	
	Round 3 Sustainability Support Grant 23/24	14,850.00	
	Transport for NSW - RRRP Grant	13,479.39	
	SSWP204 LSC IWCM Milestone 2	60,088.50	
	Return of Investments	1,500,000.00	
	SCCF3-0789 Milestone 2	17,000.00	
			1,885,664.86
Less: Total Payments			1,486,809.03
	New Investments	0	<u>4,700,000.00</u>
Closing Combined Cashbook Balance			<u>641,538.09</u>
Closing Bank Statement Balance	Bendigo Bank	602,085.95	
	Macquarie Bank	52,448.03	
	Bendigo Bank-Prichard Trust	31,785.43	
			<u>686,319.41</u>
Add: Outstanding Deposits			5,254.68
			<u>691,574.09</u>
Less: Outstanding Cheques			50,036.00
Closing Combined Cashbook Balance			<u>641,538.09</u>
	Investments:		
	Interest Rate per	Amount	
	Annum	Invested	% of Total
	Bank of Queensland	700,000.00	5.22
	Bendigo Bank	1,000,000.00	7.45
	Bendigo Bank	500,000.00	3.73
	Bendigo Bank	500,000.00	3.73
	Bendigo Bank	250,000.00	1.86
	Bendigo Bank	400,000.00	2.98
	Bendigo Bank	66,072.20	0.49
	Commonwealth Bank	1,000,000.00	7.45
	Commonwealth Bank	500,000.00	3.73
	Commonwealth Bank	500,000.00	3.73
	Commonwealth Bank	500,000.00	3.73
	Commonwealth Bank	1,000,000.00	7.45
	IMB	500,000.00	3.73
	MACQUARIE BANK	500,000.00	3.73
	MACQUARIE BANK	500,000.00	3.73
	MACQUARIE BANK	500,000.00	3.73
	MACQUARIE BANK	500,000.00	3.73
	MACQUARIE BANK	500,000.00	3.73
	National Australia Bank	500,000.00	3.73
	National Australia Bank	1,000,000.00	7.45
	National Australia Bank	500,000.00	3.73
	National Australia Bank	500,000.00	3.73
	National Australia Bank	500,000.00	3.73
	National Australia Bank	500,000.00	3.73
		<u>13,416,072.20</u>	100.00
			AMOUNT
	1490-3000-0000		(1,860,029.01)
	8490-3000-0000		2,469,781.67
	9991-3000-0000		31,785.43
		<u>641,538.09</u>	<u>641,538.09</u>
Combined Sewerage			
Trust Fund			
	TOTAL FUNDS HELD ARE:	<u>14,057,610.29</u>	

Integrated Planning and Reporting Reference

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

Legislative Policy and Planning Implications

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

Budget and Financial Aspects

Council's 2023/24 Operational Budget has forecast a total of \$401,000 income from interest on investments for General Fund & Sewer Fund combined. For the month of July 2023 the end of month balance of funds invested has been \$13.4 million and the average return on invested funds has been 4.79%. On these year to date figures, Council's budgeted income on investments will be exceeded for the General Fund and Sewer Fund. An adjustment will be considered at the 1st Quarterly Budget Review.

Responsible Accounting Officer Statement

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

Recommendation:

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

9. GUIDELINES FOR AUDIT, RISK AND IMPROVEMENT COMMITTEES

(GM: 23/8585)

Executive Summary

Lockhart Shire Council is a member of an Internal Audit Alliance together with five other councils. The Alliance's arrangements are being reviewed in order to transition to the new Guidelines for Audit Risk and improvement Committees (ARICs) issued by the Office of Local Government.

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 issued *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.

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 Guidelines will not come into force until amendments to the Local Government (General) Regulation 2021 giving statutory force to elements of the Guidelines are made.

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

Councils 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.

1. *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.*
2. *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.

3. *The chair and independent voting committee members must not:*
 - a) *currently be a councillor of any NSW council.*
 - b) *be a non-voting representative of the board of the joint organisation.*
 - c) *be a candidate at the last election of the council.*
 - d) *be a person who has held office in the council during its previous term.*
 - e) *be currently employed by the council or joint organisation, or been employed during the last 12 months.*
 - f) *conduct audits of the council on behalf of the Audit Office of NSW.*
 - g) *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.*
 - h) *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.*
 - i) *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*
 - j) *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.*
4. *Councils' general managers must appoint a member of staff of the council to direct and coordinate internal audit activities for the council.*
5. *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.*
6. *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.*
7. *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.*

The Internal Audit Alliance has been 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. Accordingly, the Internal Audit Alliance Councils have been meeting to discuss transitioning to the new requirements. Subject to endorsement by the respective member councils a consensus has been reached that:

- a) *Member councils continue the collaborative arrangement of the Internal Audit Alliance.*
- b) *A separate ARIC continue to be maintained by each member council as opposed to establishing a single shared ARIC for all six councils.*
- c) *All councils appoint the same independent chairperson that meets the eligibility criteria outlined in 3) above following an expression of interest process.*
- d) *A panel comprising persons that meet the eligibility criteria outlined in 3) above be established following an expression of interest process from which member councils can appoint two independent ARIC members.*

- e) Member councils share the cost of employing an Internal Audit Coordinator in accordance with 4) above.
- f) Member councils continue to share the cost of a contracted internal auditor where possible.

With respect to the proposal to share the cost of employing an Internal Audit Coordinator, consideration was given to this position being employed through REROC. However as the Guidelines require this position to be an employee of a council it is intended that one of the member councils act as the host employer whilst all member councils share the cost.

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 current 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 and so as to comply with the eligibility requirements by July 2024.

Budget & Financial Aspects

An allocation has been included made in the 2023/24 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 2023/24 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 Council continue to participate in the Internal Audit Alliance and endorse the following arrangements for the purpose of transitioning the Alliance to the requirements outlined in the *Guidelines for Risk Management and Internal Audit for Local Councils in NSW* issued by OLG:

1. A separate ARIC continue to be maintained by each member council as opposed to establishing a single shared ARIC for all six councils.
2. Member councils appoint the same independent chairperson that meets the eligibility criteria following an expression of interest process.
3. A panel comprising persons that meet the eligibility criteria be established following an expression of interest process from which member councils can appoint two independent ARIC members.
4. Member councils share the cost of employing an Internal Audit Coordinator.
5. Member councils continue to share the cost of a contracted internal auditor where possible.

10. ELECTION OF MAYOR AND DEPUTY MAYOR

(GM: 23/8997)

Executive Summary

Councils that elect their mayors are required under section 290(1)(b) of the *Local Government Act 1993* (the Act) to hold mid-term mayoral elections in September 2023. Mayors elected in September 2023 will hold their office until council elections are held on 14 September 2024.

Report

Mayoral elections must be conducted in accordance with Schedule 7 of the *Local Government (General) Regulation 2021*. Schedule 7 prescribes three methods of election of mayors:

- 1) open ballot (e.g. a show of hands)

- 2) ordinary ballot, or
- 3) preferential ballot.

“Ordinary ballot” and “preferential ballot” referred to above are secret ballots. “Open voting” means voting by a show of hands.

If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.

The election is to be held at the council meeting at which the council resolves on the method of voting.

Councillors can participate in mayoral elections using an open ballot by audio visual link but not where the other two methods of election are used.

Ordinary and preferential ballots are secret ballots and councillors will need to attend the meeting in person to vote if the mayoral election is held using either of these methods.

A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.

It is noted that Council has granted leave of absence for one councillor for the September 2023 Council meeting. However, to date there have not been any requests from Councillors to participate in the September 2023 Council meeting by audio visual link.

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

The Council’s Code of Meeting Practice includes the following provisions regarding participation in meetings by audio visual link:

- “5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.*
- 5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.*
- 5.22 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.*
- 5.23 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned.”*

Budget & Financial Aspects

The allowance payable to the Mayor has previously been determined by Council and provided for in the 2023/24 Operational Plan Budget.

Attachments

Nil.

Recommendation: That the information be noted.

11. DRAFT MODEL CONTAMINATED LAND POLICY

(MP&B: 23/9617)

Executive Summary

This report presents the Draft Model Contaminated Land Policy to Council and seeks Council’s endorsement for the public exhibition of the draft Policy. It is proposed that this model policy will replace the current Policy 2.47 Contaminated Land Management.

Report

The draft Model Policy outlines Council's commitment regarding managing contaminated land in its local government area. This commitment continues to be anchored in the 'contaminated land planning guidelines' (i.e. the State Environmental Planning Policy 55 (SEPP55) Planning Guidelines – Remediation of Land (1998)).

The draft Model Policy is a copy of the current RAMROC-REROC Model Contaminated Policy that Council adopted in 2017. It also includes amendments identified in consultation with both Council and with the project steering committee.

These amendments pertain to:

- Incorporating changes in the regulatory landscape related to contaminated land,
- Addressing feedback received from Council on their experiences and learnings in implementing the current RAMROC-REROC Model Contaminated Land Policy, and
- Council's request for additional 'best practice resources'.

Contaminated Land Framework

The contaminated land framework comprises three elements:

1. (Draft) Model Contaminated Land Policy (2023),
2. Council guidance on Implementing the Contaminated Land Policy, and
3. Best practice resources.

This framework was developed by RAMJO and REROC in collaboration with Far North-West Joint Organisation and Dubbo Regional Council. This collaboration sought to establish a 'regional' framework for managing contaminated land in Council business processes.

(Draft) Model Contaminated Land Policy (2023)

The objectives of the draft Model Policy are unchanged, solely on the basis that the Resilience and Hazards SEPP (2021) incorporated an unchanged SEPP55 Planning Guidelines – Remediation of Land (1998).

However, the Department of Planning and Environment (DPE) did release a draft 'contaminated land planning guidelines' (2018) that outlined proposed amendments to the SEPP55 Planning Guidelines. In consultation with our project steering committee, a number of these amendments have been incorporated in the draft Model Policy including:

- Adding 'Council depots' to the table in Appendix 1 on potential activities that may give rise to site contamination, and
- The 'Initial Evaluation' checklist.

The draft Model Policy has been amended to reflect updates in the regulatory landscape relevant to contaminated land, including:

- The Environmental Planning and Assessment Act (EP&A Act) in relation to the 'planning proposal' process (i.e. Local Planning Direction 4.4),
- The Complying Development guidelines regarding development on land previously subject to management orders under the Contaminated Land Management Act,
- The Code SEPP in relation to procedures for 'unexpected finds', and
- The underground petroleum storage systems (UPSS) Regulation 2019 in relation to 'appropriate regulatory authority' responsibilities related to the design, installation, operation, maintenance and decommissioning of underground petroleum storage systems.

Feedback received from Council on their experiences and learnings in using the current Model Policy resulted in amendments to the draft Model Policy. This included:

- An update of the risk-based approach for the assessment of site contamination,
- Extending the risk-based approach to include UPSS, and
- To expand the coverage of the 'best practice resources'.

The new 'UPSS' section of the draft Model Policy was developed in consultation with Council and the project steering committee. This new section outlines:

- A procedure to consider the design, installation, operation, maintenance and decommissioning of UPSS in a development assessment and consent process, and
- An 'optional' risk-based approach for Council to manage its 'appropriate regulatory authority' (ARA) responsibilities under the UPSS Regulation 2019 regarding the operation and maintenance of UPSS.

The development assessment and consent clauses were developed with guidance and input from Council. These were tested at the training workshops delivered in May and June 2023 with Council providing constructive feedback that resulted in amendments to this clause.

The 'optional' risk-based approach for Council to manage its ARA responsibilities pertains specifically to the monitoring of UPSS sites. Council could monitor these sites to confirm they maintain compliance with Development Consent and/or the UPSS Regulation 2019. The relevant clauses of the draft Model Policy do not commit Council to a UPSS inspection and monitoring requirement. Rather these clauses outline a risk-based approach that Council may elect to implement, and with a view to make informed decisions regarding a UPSS inspection program. This is consistent with advice received from Council in our consultations and in the abovementioned training workshops.

This 'optional' risk-based approach has been supplemented with new 'best practice resources' including guidance documents and tools. Some of these have already been used by Council to assess the risk of identified UPSS sites in their local government area.

Implications on Council

The draft Model Policy does not present any new implications on Council regarding the management of contaminated land. Contaminated land clauses remain unchanged with exception to those related to changes in the regulatory landscape that Council has already implemented.

This includes Local Planning Direction 4.4 where a 'preliminary site investigation' report is required to be attached to a planning proposal when and only when specific conditions are triggered.

The draft Model Policy includes a new section on UPSS. This section outlines requirements of an 'appropriate regulatory authority' under the UPSS Regulation 2019. These requirements are not new and have been applied by Council in development assessment and consent processes for new or significantly modified UPSS.

The new UPSS section also outlines an 'optional' risk-based approach for Council to manage the risk associated with the ongoing operation and maintenance of UPSS in their local government area. Council was provided with training and guidance on this approach, as well as data on UPSS sites in their local government area.

Council is to be provided with 'best practice resources' that relate UPSS requirements to specific Council business processes. These resources will guide and inform Council decision-making processes on the extent to which (if at all) UPSS are managed by Council in their local government area.

Conclusion

The draft Model Contaminated Land Policy (2023) presents no significant changes to how contaminated land is managed by Council in their local government area. It remains anchored in the SEPP55 Planning Guidelines – Remediation of Land (1998), as required by Schedule 6 of the EP&A Act (vis-à-vis the 'good faith' defence).

The draft Model Policy has been amended to include UPSS. It presents an 'optional' risk-based approach to guide Council decision-making on the ongoing monitoring of UPSS sites.

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

- Draft Model Contaminated Land Policy distributed under separate cover.

Recommendation: that Council places the draft Model Contaminated Land Policy on public exhibition for a period of 28 days.

12. POLICY REVIEWS

(GM: 23/7887)

Executive Summary

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

Report

At its meeting held on 20 March 2023, Council endorsed “Policy No. 1.0 Policies – Procedure for Consideration and Adoption” which set out a process for the systematic review of Council policies and the development of new policies.

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

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

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

The following policies are presented for review in accordance Policy No. 1.0:

- 1) Policy 2.10 Authority to Undertake Enforcement Actions
- 2) Policy 2.18 Private Water Pipes Under Roadways
- 3) Policy 2.26 Signs as Remote Supervision
- 4) Policy 2.27 Constructed Footpath Risk Management
- 5) Policy 2.29 Equipment Hire for Emergency Situations
- 6) Policy 2.30 Dust Suppression

Copies of the above Policies are attached.

Policy 2.10 Authority to Undertake Enforcement Actions has been amended in order to update references to position titles and relevant legislation e.g. the Impounding Act has been repealed and replaced by the Public Spaces (Unattended Property) Act 2021.

No significant changes have been made to the remaining policies however it is recommended that Policy 2.29 Equipment Hire for Emergency Situations be rescinded. The matters dealt with in the policy are covered by instruments of delegation and legislative provisions and it is considered unnecessary to have a separate policy in relation to the matter.

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

- 1) Policy 2.10 Authority to Undertake Enforcement Actions
- 2) Policy 2.18 Private Water Pipes Under Roadways

- 3) Policy 2.26 Signs as Remote Supervision
- 4) Policy 2.27 Constructed Footpath Risk Management
- 5) Policy 2.29 Equipment Hire for Emergency Situations
- 6) Policy 2.30 Dust Suppression

Recommendation:

1. That the following Policies, as presented, be adopted:
 - a) Policy 2.10 Authority to Undertake Enforcement Actions
 - b) Policy 2.18 Private Water Pipes Under Roadways
 - c) Policy 2.26 Signs as Remote Supervision
 - d) Policy 2.27 Constructed Footpath Risk Management
 - e) Policy 2.30 Dust Suppression
2. That Policy 2.29 Equipment Hire for Emergency Situations be rescinded.

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Staff Report 12: Attachment 1 – Policy 2.10 Authority to Undertake Enforcement Actions

2.10 Authority to Undertake Enforcement Actions

POLICY TITLE: AUTHORITY TO UNDERTAKE ENFORCEMENT ACTIONS

FILE REF: SC67

EXPIRY DATE: JULY 2026

STATEMENT OF INTENT

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

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

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

GENERAL PRINCIPLES

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

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

OPTIONS FOR ACTION IN CONFIRMED CASES OF UNLAWFUL ACTIVITY

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

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

Approaches to be considered without taking formal regulatory action include:

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

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

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

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

ENFORCEMENT ACTION

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

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

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

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

AUTHORISED PERSONS

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

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

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

- a) In relation to any matter where the Mayor has directed the General Manager, in writing, not to exercise a delegated function and to refer the matter to Council for determination; and
- b) Those functions that are required by Section 377 to be exercised only by the Council.

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

Employee	Acts
Director Engineering and Environmental Services	Environmental Planning and Assessment Act 1979 Heavy Vehicle National Law Act 2012 Local Government Act 1993 Protection of the Environment Operations Act 1997 Roads Act 1993 Crown Land Management Act 2016
Manager Planning and Environment	Companion Animals Act 1998 Environmental Planning and Assessment Act 1979 Food Act 2003 Public Spaces (Unattended Property) Act 2021 Local Government Act 1993 Plumbing and Drainage Act 2011 Protection of the Environment Operations Act 1997 Public Health Act 2010 Swimming Pools Act 1993
Compliance Officer	Companion Animals Act 1998 Environmental Planning and Assessment Act 1979 Public Spaces (Unattended Property) Act 2021 Local Government Act 1993 Protection of the Environment Operations Act 1997 Crown Land Management Act 2016 Rural Fires Act 1997 Graffiti Control Act 2008
Environmental Officer	Biosecurity Act 2015

*Adopted by Council 17 July 2023
Refer Minute No. xxx/23*

*Adopted by Council 17 August 2020
Refer Minute No. 161/20*

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

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

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

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

Staff Report 12: Attachment 2 – Policy 2.18 Private Water Pipes Under Roadways

2.18 Private Water Pipes Under Roadways

POLICY TITLE: PRIVATE WATER PIPES UNDER ROADWAYS

FILE REF: SC237

EXPIRY DATE: JULY 2026

OBJECTIVES

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

POLICY STATEMENT

1. STANDARD CONDITIONS FOR NEW INSTALLATIONS

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

2. EXISTING INSTALLATIONS

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

*Adopted by Council – 17 July 2023
Refer minute xxx/23*

*Adopted by Council – 17 August 2020
Refer minute 161/20*

Staff Report 12: Attachment 3 – Policy 2.26 Signs as Remote Supervision

2.26 Signs as Remote Supervision

POLICY TITLE: SIGNS AS REMOTE SUPERVISION

FILE REF: SC321

EXPIRY DATE: JULY 2026

OBJECTIVES

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

POLICY STATEMENT

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

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

1. INSPECTION

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

2. ASSESSMENT

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

3. CONTROLS

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

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

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

4. MONITORING

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

5. ALLOCATED RESOURCES

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

Adopted by Council – 17 July 2023
Refer minute xxx/23

Adopted by Council – 17 August 2020
Refer minute 161/20

Adopted by Council – 17 August 2009
Refer minute 283/09

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

Staff Report 12: Attachment 4 – Policy 2.27 Constructed Footpath Risk Management

2.27 Constructed Footpath Risk Management

POLICY TITLE: CONSTRUCTED FOOTPATH RISK MANAGEMENT

FILE REF: SC228

EXPIRY DATE: JULY 2026

OBJECTIVES

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

POLICY STATEMENT

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

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

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

Identification

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

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

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

Assessment

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

Control

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

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

Adopted by Council – 17 July 2023

Refer Minute No. xxx/23

Adopted by Council – 17 August 2020

Refer Minute No. 161/20

Adopted by Council – 18 December 2000

Refer Minute No. 22461

Staff Report 12: Attachment 5 – Policy 2.29 Equipment Hire for Emergency Situations

2.29 Equipment Hire for Emergency Situations

POLICY TITLE: EQUIPMENT HIRE FOR EMERGENCY SITUATIONS

FILE REF: SC104

EXPIRY DATE: JULY 2023

OBJECTIVES

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

POLICY STATEMENT

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

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

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

Adopted by Council – 17 August 2020
Refer Minute No. 161/20

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

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

Staff Report 12: Attachment 6 – Policy 2.30 Dust Suppression

2.30 Dust Suppression

POLICY TITLE: DUST SUPPRESSION

FILE REF: SC234

EXPIRY DATE: JULY 2026

OBJECTIVES

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

POLICY STATEMENT

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

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

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

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

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

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

Adopted by Council – 17 July 2023
Refer Minute No. xxx/23

Adopted by Council – 17 August 2020
Refer Minute No. 161/20

Adopted by Council 17 August 2009
Refer minute 283/09

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

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.

13. PROPOSED SALE OF LOT 5 REID STREET LOCKHART

(GM: 23/8593)