



BUSINESS PAPER

**of the
Ordinary Meeting
to be Held
18 September 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

ACKNOWLEDGEMENT OF COUNTRY

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MAYORAL MINUTE

Nil.

REPORT ON MAYORAL & COUNCILLOR ACTIVITIES

To be presented at the meeting.

ELECTION OF MAYOR AND DEPUTY MAYOR

(GM: 23/9184)

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

The process for the election of a Mayor and Deputy Mayor is outlined in Clause 394 and Schedule 7 of the Local Government (General) Regulation which provide as follows; -

- a) The General Manager (or a person appointed by the General Manager) is the returning officer.
- b) A councillor may be nominated without notice for election as mayor or deputy mayor.
- c) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- d) The nomination is to be delivered or sent to the returning officer. *(This can occur prior to or at the Council meeting at which the election will be held. Forms for this purpose have been circulated to all Councillors.)*
- e) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.
- f) If only one councillor is nominated, that councillor is elected.
- g) 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.
- h) The election is to be held at the council meeting at which the council resolves on the method of voting.

“Preferential ballot” and “ordinary ballot” referred to in g) above are secret ballots. “Open voting” means voting by a show of hands.

In the case of an “ordinary ballot” and “open voting”, if there are only two candidates, the candidate with the higher number of votes is elected. If there are three or more candidates, the candidate with the lowest number of votes is excluded and a further vote is taken of the remaining candidates.

In the case of a preferential ballot”, if a candidate has an absolute majority of first preference votes, that candidate is elected. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers. A candidate who then has an absolute majority of votes is elected.

As reported at the last Council meeting, councillors can participate by audio-visual link in mayoral elections held using the open voting method but not where one of the other two methods of election is 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.

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

The election of Mayor and Deputy Mayor must be conducted in accordance with the Local Government Act and Schedule 7 of the Local Government (General) Regulation.

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

Blank nomination forms have been provided to Councillors in their correspondence folder.

Recommendation: That the election of Mayor and Deputy Mayor be conducted.

URGENT MATTERS

Nil.

NOTICE OF MOTION

Nil.

COMMITTEE REPORTS

1. **MINUTES OF THE TOURISM & ECONOMIC DEVELOPMENT STEERING COMMITTEE MEETING HELD ON 5 SEPTEMBER 2023 IN PLEASANT HILLS**

Date & Time	Tuesday 5 th September 2023– 6.00pm
Location	Pleasant Hills Community Hall, Pleasant Hills
Attendees	Erica Jones (Chairperson), Navneet Choujar (Zoom), Cr Fran Day (Zoom), Cr Bob Mathews, Michelle Bailey (Deputy Chair), Heather Trevaskis (Timekeeper), Alirah Lub (Tourism Trainee - LSC) and Matt Holt (TEDO – Secretary).
Apologies	Cr Peter Sharp, Mandy Strong, Rachel Viski, Fiona Beckett and Cr Ian Marston
Guests	Joel Sim, Paul Creek, Anthony Male and David Wilkes
1 & 2.	The meeting opened with a Welcome from the Chair and an Acknowledgment of Country
3. Declarations of Interest	Nil
4. Confirmation of the minutes for the meeting Thursday 6th July 2023	
Resolution:	Recommended on the motion of Cr Bob Mathews and Heather Trevaskis that the minutes of the meeting held on Thursday 6 th July 2023 as circulated, be confirmed as a true and correct record of the proceedings.

5. Action from previous minutes – Deputy Chair	
Minutes:	<ul style="list-style-type: none"> • Proposed New Event – Bob/Navneet to provide a proposal. Committee suggested to aim for November 2024. TEDO, Cr Mathews and Navneet to arrange a meeting, with letters going to organisations in Wagga and Albury for their support. Outstanding. • LEP Review - Local Housing and Employment Strategy small presentation. TEDO to present to TEDSC in July. Complete • EV Chargers signage and promotions. Listed on website and brochures where applicable. Signage to be added soon – Outstanding. • Pleasant Hills Hall - new disabled toilet sign to go out the front. Sign on order • Walk of Fame – Project progressing. Damage to original signs • Memberships – Country Change – Report in Share Drive. Membership Decline Complete. CEO of RDA Riverina to be invited to present to TEDSC in February. Date TBC • Pastoral Shadows of Brookong updates. Outstanding • Bus Trip of Shire for local Business - Outstanding • Trucks are using air brakes along East St in Lockhart and along the Olympic Highway in The Rock, can signage be installed to encourage the limit compression breaking. Outstanding - Sign on order for East St, Lockhart. Director of Engineering to discuss with Transport for NSW regarding Olympic Highway • Membership of TEDSC - invite members of the community and those that participated in the Business Excellence Awards along to the September meeting who may be interested in joining or to learn about what the TEDSC does. Complete with question from TEDO • Business Excellence Awards – set down for May 2025 – Complete. • Visit Riverina Membership Sign up - Complete. • Visit Wagga Wagga Membership Sign Up – Complete. • 97-109 Green Street – Need to set a date for a suggested walk through and extra meeting. • Brochures – see below. • The Rock Railway Station – Ongoing – moved to project list.
Actions:	<p>TEDO and members to continue to work on outstanding items and action the below.</p> <p>Members to advise TEDO of availability for Green Street Properties walk through as well as preferred times for meeting to discuss the draft Brookong Creek Masterplan.</p>
Resolution:	Recommended on the motion of Michelle Bailey and Cr Bob Mathews that the committee note the completed actions and the TEDO and other members action the outstanding items as noted.
6. Brochures/Guides/Parking at Greens Gunyah – Heather/TEDO	
Minutes:	<p>Heather requested that the Council develop a new brochure for the four large-scale murals throughout the Shire.</p> <p>Regarding parking outside the Greens Gunyah Museum, discussions have started with the Museum Executive, Austin Morris (Director Engineering and Environmental Services) and Cr Mathews and is seeking support from the TEDSC.</p>

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Actions:	TEDO to action the new brochure and meet with Austin Morris to discuss parking options.
Resolution:	Recommended on the motion of Cr Bob Mathews and Michelle Bailey that Council support the design and printing of a new brochure for the large-scale murals and support the Greens Gunyah Museum with their request for the upgrade and design of a new parking area in and off Urana Street, including signage.
7. TEDO six months presentation to Council - TEDO	
Minutes:	TEDO tabled the presentation he gave to Council in August.
Actions:	NIL
Resolution:	Recommended on the motion by Cr Bob Mathews and Heather Trevaskis that Council note the above.
8. Project/Ideas guidelines for TEDSC Members - Michelle	
Minutes:	Michelle provided a draft document for the TEDSC to consider for guiding members who would like to take on/or start a project. Potential to be included in the Terms of Reference.
Actions:	<ul style="list-style-type: none"> • Michelle to share with TEDO for review. • Members to provide feedback to Michelle by end of September. • Chair, Deputy Chair and TEDO to meet to finalise draft. • Draft to be reviewed by the General Manager. • Draft to be added to the November TEDSC Agenda for recommendation to Council. • Project Template to be updated by TEDO.
Resolution:	Recommended on the motion by Heather Trevaskis and Cr Fran Day that Council action the above.
9. Livability/Investment/New Residents Kit Promotion of Lockhart Shire - TEDO	
Minutes:	TEDO provided a report to the TEDSC for its consideration
Actions:	Members to provide feedback to TEDO by the end of September on the future promotion of livability of Lockhart Shire.
Resolution:	Recommended on the motion by Cr Bob Mathews and Heather Trevaskis that Council continue to scope the project and report back in November.
10. Visitor Information Boards - TEDO	
Minutes:	TEDO provided a report to the TEDSC for its consideration. Members agreed to further scope inclusive static boards instead of electric touch screens.
Actions:	TEDO to further scope inclusive static boards and report back in November.
Resolution:	Recommended on the motion by Heather Trevaskis and Michelle Bailey that Council investigate inclusive static visitor information boards to be installed across the Shire.
11. Water Tower Way/Tim Fischer Way - TEDO	
Minutes:	TEDO provided a report to the TEDSC for its consideration
Actions:	TEDO to continue scoping the project and report back either in November or February. Members to provide feedback on the possible alternate names.
Resolution:	Recommended on the motion by Heather Trevaskis and Cr Fran Day that Council continue the scoping of the project.

12. Museum Advisor Report July and August – TEDO/Heather	
Minutes:	Heather and TEDO presented the July and August reports from the Museum Advisor.
Actions:	Nil
Resolution:	Recommended on the motion by Michell Bailey and Heather Trevaskis that Council note the report.
13. Project Update - TEDO	
Minutes:	Matt provided update of current projects
Actions:	Nil
Resolution:	Recommended on the motion by Heather Trevaskis and Michelle Bailey that Council note the above information.
14. Questions/Comments/Feedback/Updates	
Question – Cr Mathews	Establish a Sister City Sub Committee (or a section 355 committee) consisting of schools, Ag Bureau, tourism representative, business representative and this group -would only need 3 or 4 members and report back to TEDSC.
Answer/Action	TEDO agreed that this is worth looking into, subject to hearing back from Lockhart Texas. TEDO to follow up.
Question – Cr Mathews	Galore Hill Masterplan. I believe we could do small bites to promote this area as the masterplan is not going to occur any time soon. An interested users group consisting of local farmers, bush walkers, conservationists, flora and fauna parties and history lovers (the museum) could report back to TEDSC.
Answer/Action	TEDO advised the Galore Hill Masterplan is on a shovel ready project list of five projects, in priority order determined by the Council. Galore Hill Masterplan is at the bottom of the priority order. TEDO also advised the idea of a masterplan is identifying the full potential of a location, with community input. Creating a strategic plan and implementing it over a period of time in lieu of an ad hoc approach. TEDO further advised that the Council did seek quotes for the Masterplan, which came in over budget.
Question – Cr Mathews	The LEP is approaching, and I would envisage an expo launch inviting landholders, builders, developers and potential house holders and residents to attend a Q and A evening at the Memorial Hall where Council could outline what their plans are to encourage and facilitate the development opportunities the LEP will inevitably create.
Answer/Action	TEDO agreed that this was a great opportunity and needs to be done at The Rock as well. However, the Draft LEP is a while off yet.
Question – Cr Mathews	I would like the concept of a "what's on" sign for Lockhart. The community wants it, as do all the organisations and committees that work tirelessly to bring amazing events and sporting activities to our town.
Answer/Actions:	TEDO responded that he is aware of discussion taken place with the General Manager, who has requested a concept plan for Council to consider.
Resolution:	Recommended on the motion by Cr Fran Day and Michelle Bailey that Cr Mathews provides more information to the TEDSC for its consideration on the above four projects at the November meeting.
15. Next meeting: Wednesday 8th November 2023 – Lockhart Council Chambers – 6pm	
Meeting Closed: 8.20pm	

Recommendation: That the minutes of the Tourism and Economic Development Steering Committee meeting held on 5 September 2023 be received and the recommendations therein be adopted.

DELEGATES' REPORTS

1. HERALD SUN BUSH SUMMIT - 17 AUGUST 2023

I report having attended, together with the General Manager, the Herald Sun Bush Summit held in Wodonga on 17 August 2023. This was the first in a series of Summits being held around the country focusing on rural and regional communities. The guest speakers and panel discussions included various ministers and shadow ministers as well as business, union and community representatives.

A Communique was released at the conclusion of the Summit which supported the following outcomes:

- Housing that supports economic growth
- Better access to essential services – particularly health care.
- Supporting the resilience of regional economies and growth through policy settings that encourage business and industry investment
- Investing in roads and critical transport infrastructure
- Ensuring regional communities are treated fairly in the energy transition
- Social infrastructure, skills and labour.

Cr Greg Verdon
Delegate

2. INLAND RAIL (ALBURY TO ILLABO) COMMUNITY CONSULTATIVE COMMITTEE - 23 AUGUST 2023 AT WAGGA WAGGA

I attended a meeting of the Inland Rail Community Consultative Committee (CCC) as Council's Delegate. This was the first meeting of the CCC since an independent review of the project was announced by the Government. The following points were noted:

- An Independent Review of the project has been undertaken and the Government released the Review's findings in April 2023.
- All 19 recommendations emanating from the Review have been accepted by the Government including confirmation of the route. The Wagga Wagga bypass, for which some stakeholders were advocating, is not in the scope of the project.
- The Review also recommended that works relating to the section south of Parkes be prioritised.
- In accordance with the Review's recommendations a new legal entity has been established to deliver the project i.e. Inland Rail Pty Ltd in lieu of the Inland Rail project team being within the Australian Rail Track Corporation (ARTC).
- The final environmental approvals are currently being sought for the Albury to Illabo section.
- The construction contract has been awarded to Martinus Rail, an Australian company, for the Albury to Illabo and the Stockinbingal to Parkes sections.
- Construction is expected to commence on the Albury to Illabo section in mid-2024 with project completion expected in mid-2027.
- A Preferred Infrastructure Report (PIR) is being prepared. The PIR is the proponent's response to the issues raised in submissions and may also outline any proposed changes to the State significant infrastructure to minimise its environmental impact or to deal with any other issue raised during the assessment of the development application. The PIR will focus on, amongst other things:
 - Clarification of train numbers across the network.
 - The likely timing of an uplift in train numbers.
 - Posted track speed (what the track infrastructure can accommodate).
 - Ruling train speed (what each wagon can do based on weight load or condition).
 - More detailed analysis of construction impacts on traffic and pedestrians.
 - Modelling of noise impacts and noise mitigation options.

- Public exhibition engagement for the PIR will include workshops with Council staff and government departments, briefings with councillors and MPs, Henty Machinery Field Days community stand, community drop-in sessions, online information presentation as well as a full copy of the PIR being made available on the Department of Planning and Environment's website.
- Inlands Rail's Sponsorship and Donations Program is continuing with four funding rounds per year.

Arrangements are being made for Inland Rail representatives to brief Councillors on the project and the PIR prior to the 16 October Council meeting.

Peter Veneris
General Manager

3. REROC BOARD MEETING – 25 AUGUST 2023

I participated in the REROC Board Meeting on 25 August 2023 together with the General Manager. Points of interest arising from the meeting include the following: -

- The REROC Constitution is being reviewed so that it meets the requirements of the Incorporations Act and includes the change providing Associate Members with a vote. The final version will be tabled at the AGM to be held in October 2023 for adoption.
- The REROC Board proposes to visit Parliament House Sydney on 12 October 2023 and arrangements are currently being made to meet with various Ministers at that time.
- REROC will lodge an application to the Regional Housing Fund to undertake a Study that identifies land that has been banked but is suitable for development.
- The *Recycle Night? Recycle Right!* and the Community Recycling Centre education campaigns continue across the region on WIN and Prime.
- The website aimed at reducing contamination in kerbside FOGO collections is running. However, there has been a delay in the production of the television commercials.
- Two pilot desktop studies will be undertaken to look at landfill gas capture. Temora and Culcairn have been chosen as the bigger landfills, which will determine whether biogas capture is viable.
- The *No Time to Waste* conference is being held on 18-20 October 2023.
- The *Mapped Out* spatial information conference is planned for November 2023.

Cr Greg Verdon
Delegate

4. RIVERINA WATER COUNTY COUNCIL BOARD MEETING – 24 AUGUST 2023

To support the work of its Board members and provide regular information to its constituent councils, Riverina Water distributes a summary of the key reports from its six Board meetings per year.

The aim is to keep constituent councils informed of relevant matters including water usage, development and growth, documents and policies in development, strategies and plans and other major decisions.

The update relating to the Board meeting held on 24 August 2023 has been distributed separately to Councillors.

Recommendation: that the Delegates' Reports be received.

STATUS REPORT/PRÉCIS OF CORRESPONDENCE ISSUED

Status Report: Council Resolutions and Tasks to be finalised

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 21 August 2023			
154/23	GM	<p>Proposed Sale of Lot 5 Reid Street, Lockhart Council:</p> <p>1) Authorise the General Manager to negotiate the sale of Lot 5 DP758621 Reid Street Lockhart in accordance with the security of purpose conditions and the updated independent valuation outlined in the report.</p> <p>2) Authorise the Mayor and General Manager to execute the Deed of Agreement for the Construction of a Car Wash under Council's seal.</p>	Proponents have been informed of Council's resolution and updated independent valuation and a response is awaited.
151/23	GM	<p>Policy Reviews</p> <p>1. That the following Policies, as presented, be adopted:</p> <p style="margin-left: 20px;">a) Policy 2.10 Authority to Undertake Enforcement Actions</p> <p style="margin-left: 20px;">b) Policy 2.18 Private Water Pipes Under Roadways</p> <p style="margin-left: 20px;">c) Policy 2.26 Signs as Remote Supervision</p> <p style="margin-left: 20px;">d) Policy 2.27 Constructed Footpath Risk Management</p> <p style="margin-left: 20px;">e) Policy 2.30 Dust Suppression</p> <p>2. That Policy 2.29 Equipment Hire for Emergency Situations be rescinded.</p>	Policy Register updated. Complete.
150/23	MP&E	<p>Draft Model Contaminated Land Policy</p> <p>That Council places the draft Model Contaminated Land Policy on public exhibition for a period of 28 days.</p>	Draft Model Policy placed on Council's website 25/8/2023. Exhibition period expires on 22/9/2023. Complete

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Minute No:	Officer to Action	Council Resolution	Action Taken
148/23	GM	<p>Guidelines for Audit, Risk and Improvement Committees</p> <p>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 <i>Guidelines for Risk Management and Internal Audit for Local Councils in NSW</i> issued by OLG:</p> <ol style="list-style-type: none"> 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. 	To be progressively implemented in conjunction with other Internal Audit Alliance member councils.
146/23	DEES	<p>Road Upgrade Program</p> <p>That Council:</p> <ol style="list-style-type: none"> a) notes the information in the report; and b) an increase of \$150,000 to the annual road maintenance budget be incorporated into the first quarterly budget review for the 2023/24 year. c) investigates the possibility of upgrading the EF section of Commera Wilson Lane. 	Investigation into Commera Wilson Lane upgrade is continuing and a report will be considered in conjunction with the quarterly budget review, to be tabled at the November 2023 Council meeting.
141/23	DEES	<p>Spirit of the Land Lockhart – Request for Financial Assistance</p> <p>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:</p> <ol style="list-style-type: none"> a) \$12,000 in 2023/24; b) \$12,000 in 2024/25; and c) \$12,000 in 2025/26. 	Committee has been notified of Council's decision. Complete.
140/23	DCCS	<p>Request for Financial Assistance – Lockhart Lions Club</p> <p>That Council increases its annual contribution to the Lockhart Lions Club's freight costs from \$3,200 per year to \$4,000 per year.</p>	Lockhart Lions Club has been notified of Council's decision. Complete.

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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. 	<p>Awaiting confirmation of other councillor to attend the Conference with the Mayor to complete conference registration. (Refer Staff Report 7)</p>
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. Second hand mower sourced from Toro NSW, arranging delivery and inspection prior to accepting quote. 2. Transport of Toro zero turn mower to Lockhart is to be arranged.
120/23	GM	<p>Draft Plan of Management – Crown Reserves for Which Council is the Crown Land Manager and Council-owned Land Classified as “Community”</p> <p>Council endorses the amendments made to the Draft Plan of Management as outlined in the report, including the area of The Rock Recreation Ground to be categorised as General Community Use, and endorse the amended Plan for public exhibition.</p>	<p>Amended Draft Plan of Management submitted to Crown Lands Office for approval to be placed on public Exhibition.</p> <p>Crown Lands Office has advised that further investigation needs to be undertaken in relation to General Community Use of the Lockhart Recreation Ground (pre-school) due to inconsistency with the gazetted purpose of the Reserve.</p> <p>It is proposed to publicly exhibit the balance of the PoM pending this further investigation. (Refer Staff Report 3).</p>

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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 	<p>Nominated projects submitted to the Department of Infrastructure and awaiting approval.</p> <p>The Department has advised that the Lockhart Golf Club storage shed project does not meet the eligibility criteria and that Council should nominate an alternative project. (Refer Staff Report 1).</p>
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>	<p>Awaiting information from Transport for NSW regarding new guidelines for the high pedestrian zones.</p>

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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> <p>Response has been received. (Refer Staff Report 2).</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. An initial meeting with stakeholders was held and a committee formed. Complete.</p>

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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. Complete</p> <p>Draft lease has been agreed to by the Landlord and awaiting execution. Complete</p> <p>Removed from lease. Complete</p> <p>To be undertaken by S355 committee once operational. Ongoing. 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. Application has been notified, one submission has been received. Additional information is being sought.</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 plans have been submitted and awaiting approval.</p>
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>	<p>Deferred for consideration in October 2023.</p>

*Lockhart Shire Council
Ordinary Meeting – 18 September 2023*

Minute No:	Officer to Action	Council Resolution	Action Taken
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>	<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.</p>
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>	<p>Site is being prepared, with concrete plinth seating. Toilets will be open and accessible for Spirit of the Land Festival.</p>
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>	<p>Development application has been lodged and is currently being assessed. Application has been notified to adjoining landowners. No submissions received.</p>
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> <p>TEDO to continue scoping the project and report back to the TEDSC either in November 2023 or February 2024.</p>

*Lockhart Shire Council
Ordinary Meeting – 18 September 2023*

Minute No:	Officer to Action	Council Resolution	Action Taken
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 21 August 2023 – Councillor Questions & Statements			
Questions & Statements	DEES	<p>Cr Marston: Vincents Road</p> <p>Referred to grading being undertaken at the southern end of Vincents Road and asked if a culvert is going to be installed at that end to assist with drainage issues?</p>	No current plans for culvert installation, will be investigated further.
	GM	<p>Cr Marston: Defibrillator Availability</p> <p>Mentioned a recent tragedy and asked if it might be possible to move the automatic defibrillator from inside the swimming pool complex to outside the gate to make it available at any hour.</p>	Advice has been sought from the Royal Life Saving Society who undertake compliance audits of swimming pools to ensure that the suggested location will still be compliant. In accordance with the advice received a risk assessment will be carried out against the relevant criteria and placed on record before the defibrillator is relocated.
	DEES	<p>Cr Marston: Toilets, The Rock Recreation Ground</p> <p>Referred to the public toilets at The Rock Recreation Ground which require heavy cleaning as they are unhygienic at the moment with mould growing in places.</p>	Works request issued.
	DEES	<p>Cr Marston: Back Lanes, The Rock</p> <p>Asked if there was a similar maintenance program for the urban back lanes as there is for more major roads.</p>	No current maintenance program for back lanes, current priority is storm-damaged roads.
	MP&E	<p>Cr Day: Food Safety Inspections</p> <p>Asked what acknowledgement is given to local businesses of good food safety practice, and to promote confidence for consumers? Could Council consider the “Scores on Doors” programs?</p>	Advice has been received from the NSW Food Authority on how to implement the program. Further information is included in the Engineering & Environmental Services Report (Staff Report 4).
	DEES	<p>Cr Hunter: Plunkett Street, Yerong Creek</p> <p>Referred to the main street of Yerong Creek and asked if it was included in the current repair/maintenance program and, if so, where in the timeline it was placed.</p>	Plunkett Street is on current program. Works planned for over summer period.

*Lockhart Shire Council
Ordinary Meeting – 18 September 2023*

Minute No:	Officer to Action	Council Resolution	Action Taken
	DEES	Cr Walker: Slys Lane Advised he has received a request from the users of this road for the Earth Formed section to be formed up as it is badly washed away. The users have offered to maintain it once it is formed.	Earth formation section is for dry weather access only. Not included for upgrade in recent discussions.
	DEES	Cr Verdon: Laneway Maintenance Referred to the laneway between Mixner Street and The Rock Bowling Club which has some gigantic potholes and also the laneway between Nicholas and King Street off Mixner Street which also has issues.	Potholes have been assessed and scheduled for maintenance based on priority.
Ordinary Council Meeting held 17 July 2023 – Councillor Questions & Statements			
Questions & Statements	DEES	Cr Marston: The Rock Bowling Club, Telegraph Pole 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.	Works have been completed.
	DCCS	Cr Day: International Volunteer Day, 5 December 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?	To be combined with International Day for People with Disabilities, 3 December per Res. 30/23.
	DEES	Cr Walker: Town Entrance Sign, The Rock Mangoplah Road Drew attention to this sign which requires some maintenance to straighten it up.	Remedial works have been completed.
	DEES	Cr Rockliff: Lockhart Museum Entrance 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.	Works request created.
	DEES	Cr Verdon: Yerong Street – adj. to Branch Line Drew attention to potholes in Yerong Street, adjacent to the branch line, which require some attention.	Works have been completed.
Ordinary Council Meeting held 19 June 2023 – Councillor Questions & Statements			
Questions & Statements	GM	Cr Rockliff: CCTV 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.	Scope extended to include entrance to Lockhart Caravan park and The Rock Golf Club. Contractor engaged.

Lockhart Shire Council
Ordinary Meeting – 18 September 2023

Minute No:	Officer to Action	Council Resolution	Action Taken
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>	Position Description being developed.
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.
Ordinary Council Meeting held 13 February 2023 – Councillor Questions & Statements			
Questions & Statements	DCCS	<p>Cr Sharp: Old Building, Pleasant Hills Recreation Ground</p> <p>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.</p>	<p>Councillor Sharp is to liaise with "management committee" volunteers to demolish old building.</p> <p>At this stage will be scheduled when crops are in.</p>
Ordinary Council Meeting held 21 November 2022 – Councillor Questions & Statements			
Questions & Statements	DCCS	<p>Cr Hunter: Tiled Wall outside The Rock Gym</p> <p>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.</p>	<p>Builders have indicated the 300x100 yellow tiles are no longer available and are attempting to source alternative sized tiles.</p> <p>Builder still trying to source matching yellow tiles.</p>

Lockhart Shire Council
Ordinary Meeting – 18 September 2023

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 17 October 2022 – Councillor Questions & Statements			
Questions & Statements	DEES/ DCCS	<p>Cr Verdon: Disability Access Across the Shire</p> <p>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.</p>	<p>Audit will be undertaken when resources permit.</p> <p>Scope of works being put together to include the buildings and open spaces to be audited.</p>
Ordinary Council Meeting held 18 July 2022 – Councillor Questions & Statements			
Questions & Statements	DCCS/ DEES	<p>Cr Marston – The Rock Pony Club</p> <p>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.</p>	<p>Works are being scheduled into the works program.</p> <p>Culvert on Yerong St to be installed in coming weeks. Internal gravel works hampered by water pooling, needing ground to dry out.</p>
Ordinary Council Meeting held 20 June 2022 – Councillor Questions & Statements			
Questions & Statements	DCCS	<p>Cr Hunter – Yerong Creek Bowling Club</p> <p>Advised the Bowling Club are still awaiting receipt of an Occupation Certificate for the building.</p>	<p>Majority of work has been completed. Additional fire extinguishers being sourced by Club. When installed, final fire safety inspection will be scheduled.</p>

Correspondence Received

Date sent to Councillors	From	Subject
1 Sept 2023	The Mayor, via Executive Assistant	Mayoral Update
11 Sept 2023	General Manager	Nomination Forms – Election of Mayor and Deputy Mayor

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

STAFF REPORTS

STRATEGIC DIRECTION A: A Connected and Resilient Community

1. PHASE 4 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE GRANTS PROGRAM

(GM: 23/10263)

Executive Summary

Council, at its meeting held on 17 July 2023, determined the projects to be nominated for funding under the Local Roads and Community Infrastructure Phase 4 grants program (LRCI-P4). Advice has now been received from the funding body that one of the nominated projects does not meet the eligibility criteria and that Council should nominate an alternative project in its place.

Report

The following amounts have been allocated to Lockhart Shire Council under the LRCI-P4 grants program:

1. Part A: \$846,561 to spend on priority local road and community infrastructure projects,
2. Part B: \$488,315 to spend on road projects in rural, regional and outer urban areas.

A Councillor Workshop to consider projects that could be funded under LRCI-P4 was held prior to the Ordinary meeting of Council on 17 July 2023. At the Council meeting held on that day following the Workshop it was resolved:

“That in accordance with the outcome of the Councillor Workshop held earlier in the day, Council nominates the following projects for funding under Phase 4 of the LRCI grant program:

Part A: Local road and community infrastructure projects

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

Part B: Road projects

1. Shoulder widening – “Davidsons Hill”, Yerong Creek Mangoplah Rd (German Church Road intersection) (500m)	\$ 300,000
2. Vincents Road – seal 2km	\$ 225,000”

After submitting the above listed projects to the Department of Infrastructure, the Department has advised that the Lockhart Golf Club storage shed (item 5 on the above list) does not meet the eligibility criteria and that Council should nominate an alternative project in its place.

In particular the Department has advised that:

- *this Project does not meet the eligibility requirements set out in the [LRCI Phase 4 Guidelines](#) as the “storage shed” does not claim to be generally accessible to the wider community, only the maintenance personnel who utilise the “mowing and spraying equipment”.*
- *This type of project is also mentioned in section 5.6 What the grant money cannot be used for e.g. purchase or improvement of structural assets that are not for the primary use and benefit of the local community (e.g. caretakers’ residence).*

The Lockhart Golf Club have been advised of the outcome and it is understood that the Club will instead seek funding for the storage shed through the Crown Reserves Improvement Fund grant program (CRIF) for which the next round of funding is expected to open in September 2023.

As Councillors will be aware a “Grants Wishlist” is maintained that comprises project ideas previously raised but that remain unfunded. The Wishlist is consulted when workshops are held for grant funding that becomes available.

To assist in considering alternative projects a copy of the “Grants Wishlist” was separately distributed to all Councillors and includes the projects raised by Councillors at the most recent Workshop held on 17 July that did not make the final list endorsed by Council for LRCI-P4 funding.

Integrated Planning and Reporting Reference

- A1: Provide support and advice to community groups, clubs, and volunteers.
- A1: Support cultural and sporting opportunities that respond to the needs of the community.
- A2: Support, or partner to provide, welcoming and well-maintained community spaces and facilities.
- D1: Our assets and infrastructure are well planned and managed to meet the needs of the community now and into the future.
- D1: Ensure appropriate provision, planning and use of all open space and recreation facilities and cemeteries.

Legislative Policy and Planning Implications

Nil.

Budget and Financial Aspects

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

Attachments

Nil.

Recommendation: That Council determine an alternative project for funding under the LRCI Phase 4 grant program to replace the project that has been ruled ineligible.

2. MAGNOLIA LODGE AND YOUTH FLATS

(GM: 23/10269)

Executive Summary

Council has previously resolved to reach out to the NSW Land and Housing Corporation regarding options for the future development of the land jointly owned by Council and the Corporation i.e. Magnolia Lodge independent living units and the Youth Flats. A response to Council’s representations has now been received.

Report

The Magnolia Lodge independent living units and the Youth Flats have been built pursuant to funding agreements entered into with the NSW Land and Housing Corporation (LAHC).

The 3 x 1-bedroom self-contained units for aged persons, known as Magnolia Lodge, are vested in the LAHC and Council in respective shares as follows:

- | | | |
|----|----------------------------------|--------|
| 1. | NSW Land and Housing Corporation | 63.04% |
| 2. | Lockhart Shire Council | 36.96% |

The land on which the independent living units are situated comprises 1,394 sqm. An aerial photograph of the property is attached.

The 4 x 1-bedroom self-contained units for young persons, known as the Youth Flats, are vested in the LAHC and Council in respective shares as follows:

- | | | |
|----|----------------------------------|--------|
| 1. | NSW Land and Housing Corporation | 81.81% |
| 2. | Lockhart Shire Council | 18.19% |

The land on which the Youth Flats are situated comprises 1,838 sqm. An aerial photograph of the property is attached which indicates that only half the site has been utilised making it possible to subdivide the property in two in order to excise a vacant lot for further development.

At the Council meeting held on 19 June 2023 a report canvassing various options for the further development of the two sites was considered by Council at which time it was resolved that Council approach the LAHC to gauge its interest in:

- a) Constructing additional independent living units and/or youth flats on the existing sites; or
- 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; or
- 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.

The following response has been received from the Corporation in relation to a), b) and c) above:

- a) Constructing additional independent living units and/or youth flats on the existing sites.

“Youth Flats – this site is only 50% utilised so we agree this may be viable to develop additional accommodation on the remnant portion of this lot. Photo imagery indicates one constraint might be the loss of significant trees which we suggest needs to be considered in any new development. We would appreciate if Council would present a concept plan of how any new youth accommodation and associated carparking would work.

Magnolia Lodge – it is unclear how additional accommodation could be built at the rear of this site. LAHC would not support the demolition of the existing three properties as they are too recent (30years old) and the site zoning does not support sufficient additional accommodation to warrant demolition. Are you able to present a concept plan of how any new aged care residences and associated carparking might work?”

If Council sought to develop more new social homes on either of the two jointly owned lots without subdivision, we would consider revising the current Deeds between the parties to allow for such.

- 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.

“Subject to our review and approval of any draft subdivision plan, we would consider this option provided Council is solely responsible for all costs associated with any subdivision. The subdivided land lot would need to be acquired by Council from LAHC at market value.

Additionally, in alignment with the recently formed state Government’s election mandate, a deed or other form of commitment may need to be signed/made to warrant that at least 30 per cent of all homes built on the subdivided lot (being surplus government land) will be set aside for social, affordable and universal housing.”

- 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.

“Under current NSW Treasury guidelines LAHC is unable to consider any transfer of assets at no cost. However, LAHC is able to undertake a transaction as a ‘direct dealing’ with Council in this instance, with any transfer of LAHC’s share of the properties to occur at market value.

Another option we would consider is for Council to investigate if a Community Housing Provider may be interested in purchasing the LAHC-owned portion of the properties at market value.”

It is apparent that the site of the Youth Flats has the most development potential given that only half of the site is utilised by the existing development. Having regard to the LAHC’s response above, the following options are available to Council:

1. Option 1: Prepare concept plans for the development of the balance of the Magnolia Lodge and Youth Flats sites for consideration by the LAHC.

If a development was to proceed on the balance of the (unsubdivided) land of the Youth Flats site the current Deed of Agreement between the LAHC and Council may need to be amended as the current Agreement requires the housing on the land to be used exclusively for young persons.

2. Option 2: subdivide the land on which the Youth Flats are situated with the new vacant lot created by the subdivision being developed in its own right.

Under this scenario Council would need to meet all the costs of subdivision and acquire LHAC’s share of the new vacant lot created at market value. Furthermore a deed or other form of commitment may need to be entered into to warrant that at least 30 per cent of all homes built on

the subdivided lot (being surplus government land) will be set aside for social, affordable and universal housing.

3. Option 3: Investigate if a Community Housing Provider may be interested in purchasing the LAHC-owned portion of the properties at market value.

In considering the above options it is recommended that Council further investigate Option 1 by preparing concept plans for developing the balance of the Magnolia Lodge and Youth Flats sites for the LAHC's consideration. The benefit of this option is that it would capitalise on what is otherwise an underutilised site with a joint development between LHAC and Council.

Option 2 is not supported because Council has already committed to developing two residential estates in Prichard Place Lockhart. It would be much easier and more cost effective for Council to withhold from sale one or two of these lots, so that Council can develop them for rental accommodation, rather than having to subdivide the Youth Flats site and then acquire the LAHC's share at market value.

Developing its own lots in Prichard Place for rental accommodation would not only be more cost effective for Council but Council would also be able to develop the lots free of any constraints regarding tenancies. Whereas the sites jointly owned with the LAHC would have to be set aside for social, affordable and universal housing, Council may wish to address concerns regarding availability of housing for essential workers such as nurses, aged care workers and paramedics, or simply make housing available that facilitates a new business opening in the town.

With respect to Option 3, if Council was able to identify a Community Housing Provider interested in purchasing the LAHC-owned portion of the property at market value, any development would be undertaken jointly with that Community Housing Provider and Council would simply be replacing one development partner (LAHC) with another. This could remain an option if after further investigation Council was not able to get the LAHC to agree to further developing the site.

Integrated Planning and Reporting Reference

- A2: Work with service providers and government to improve access to quality health, and medical life-stage facilities and services to meet the long term needs of the community.
- A3: Continue to support, advocate, and plan for high quality services and accommodation for our aged population.
- A3: Provide young residents with greater access to youth services.

Legislative Policy & Planning Implications

Further development of the subject properties will be subject to agreement between Council and the NSW Land and Housing Corporation, or a community housing provider and the lodgement of a development application in accordance with the Environmental Planning and Assessment Act.

Budget & Financial Aspects

No provision has been made in Council's current budget for the pursuit of any of the options identified in this report.

Attachments

1. Aerial Photograph – Magnolia Lodge Independent Living Units (Green Street Lockhart)
2. Aerial Photograph – Youth Flats (Drummond Street Lockhart)

Recommendation: That:

- 1) Concept plans be prepared for the development of additional accommodation on the Magnolia Lodge site in Green Street and the Youth Flats site in Drummond Street Lockhart to facilitate further investigation and negotiation with the NSW Land and Housing Corporation; and
- 2) A further report be presented to Council at a future meeting regarding the Prichard Place Lockhart residential developments and the proposal to withhold from sale one or two lots for the purposes of developing them for rental accommodation.

Staff Report 2 – Attachment 1: Aerial Photograph - Magnolia Lodge Independent Living Units, Green Street, Lockhart



Important Notice

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.

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Drawn By: Peter Veneris
Map Scale: 1:370 at A4
Projection: GDA2020 / MGA zone 55

Staff Report 2 – Attachment 2: Aerial Photograph – Youth Flats (Drummond Street Lockhart)



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Drawn By: Peter Veneris
Map Scale: 1:578 at A4
Projection: GDA2020 / MGA zone 55

3. DRAFT PLAN OF MANAGEMENT - CROWN RESERVES FOR WHICH COUNCIL IS THE CROWN LAND MANAGER AND COUNCIL-OWNED LAND CLASSIFIED AS 'COMMUNITY' (GM: 23/7748)

Executive Summary

Council at its meeting held on 17 July 2023 agreed to amendments being made to the Draft Plan of Management (PoM) that would facilitate the establishment of a community centre on The Rock Recreation Ground and endorsed the amended Plan for public exhibition.

However following further discussions with the Crown Lands Office additional changes are proposed in relation to an unrelated matter before placing the Draft PoM on public exhibition for a second time.

Background

Lockhart Shire Council is the Crown Land Manager for a number of crown reserves in the Shire. The Crown Land Management Act imposes a number of obligations on councils that are crown land managers, most notably, the requirement to have a PoM in place for the crown reserves. In addition to this, Council has an obligation pursuant to the Local Government Act to prepare a PoM for land owned by Council which is classified as 'community'.

A Draft PoM was developed and Council, at its meeting held on 20 June 2022, and with the approval of the Crown Lands Office, resolved to place the Draft Plan on public exhibition in accordance with statutory requirements.

Four submissions in total were received in response to the public exhibition of the Draft PoM three of which related to the one issue i.e. that "community purposes" should be added as an authorised use for The Rock Recreation Ground. Currently the only authorised use for the Crown reserve is "public recreation" which is the Reserve's gazetted purpose. Adding "community purposes" as an authorised use will facilitate a broader range of uses and would also enable the establishment of a community centre on the land.

In order to facilitate this the Crown Lands Office proposed amendments be made to the Draft PoM and requested that the amended Draft PoM be placed on public exhibition. Council at its meeting held on 17 July 2023 agreed to the proposed amendments being made to the Draft PoM that would facilitate the establishment of a community centre on The Rock Recreation Ground and endorsed the amended Plan for public exhibition.

Report

The Crown Lands Office has been notified of the Council resolution passed on 17 July and approval sought to place the amended Draft PoM on public exhibition. However, the Crown Lands Office has now identified another unrelated issue that had previously been overlooked that needs to be considered. The matter relates to the Lockhart Pre-school being situated on the Lockhart Recreation Ground, the issue being that a pre-school is not consistent with the Reserve's gazetted purpose i.e. public recreation.

Council's records indicate that the Lockhart Scout Group initially erected a scout hall on the site in 1939. The Lockhart Pre-school moved into the building in 1964. There have been numerous extensions and alterations to the premises since that time, including with Crown Lands Office consent. Further research needs to be undertaken to determine how this issue may be best addressed which may take some time and cause further delay. The Crown Lands Office is also providing advice in relation to this matter.

In view of the circumstances there are two options open to Council as follows:

1. Delay the public exhibition of the Draft PoM pending resolution of the matter relating to the Lockhart pre-school; or
2. Seek the Crown Lands Office's approval to exclude that part of the Lockhart Recreation Ground on which the Pre-school is situated from the Draft PoM and place the Draft PoM on public exhibition, so that it may continue to progress towards finalisation, and subsequently deal with the section on which the Pre-school is situated at a later date.

Option 2 is recommended as it will enable the Draft PoM to progress for all other Crown Reserves in the Shire including the Lockhart Recreation Ground, with the exception of the section on which the Pre-school is situated. Excluding the section on which the Pre-school is situated will not affect the day-to-day operation of the pre-school in the meantime.

Integrated Planning and Reporting Reference

A1: Support cultural and sporting opportunities that respond to the needs of the community.

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

D1: Strategically plan for our sports and recreation infrastructure, as well as cemeteries.

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

Legislative Policy and Planning Implications

The Crown Land Management Act 2016 came into force on 1 July 2018. Under the legislation councils are required to prepare PoMs for those crown reserves under their control.

A PoM is also required to be prepared for council owned land that has been classified as 'community' pursuant to the Local Government Act.

Budget and Financial Aspects

Council has received funding in the amount of \$73,880 to assist with the preparation of PoMs for crown reserves for which Council is the Crown Land Manager and will be sufficient to complete the exercise.

Attachments

Nil.

Recommendation: That subject to the approval of the Crown Lands Office, Council exclude that part of the Lockhart Recreation Ground on which the Pre-school is situated from the Draft PoM and place the Draft PoM on public exhibition and subsequently deal with the section on which the Pre-school is situated at a later date.

STRATEGIC DIRECTION B: A Dynamic and Prosperous Economy

STRATEGIC DIRECTION C: An Environment that is Respected and Protected

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

4. ENGINEERING AND ENVIRONMENTAL SERVICES REPORT

(DEES)

Executive Summary

Monthly report on engineering and environmental services matters.

Background Information

a) Works

Rural Sealed Roads: The Regional and Local Roads Repair Program (RLRRP) has commenced. Heavy patching is well under way. The Rock-Lockhart Road is now complete with 21 patches, or 10560 square metres stabilised and primer sealed, a second seal will be applied when the weather warms up.

Unsealed Roads: Unsealed Road Maintenance of Shire gravel roads has been conducted on Edgehill School Ln, McCreadies Ln, Ellerslie Ln, Janetskes Ln, Tuttys Ln, Illetts Ln C2 + EF, Poverty Ln, Geddes Ln, Willis Ln, Jim Willis North Rd, McRories Ln, Shaws Ln, Benders Ln, and Wetmores Ln. Grading of Henty Pleasant Hills Rd has commenced.

Maintenance Crews: 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 repaired the culverts on Lockhart The Rock Rd in conjunction with the heavy patching, back filled and removed spoils on O'Connell Street footpath and continue attending to the back log of customer enquiries.

b) Parks & Gardens

Ave. 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 sort 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: Under-pruning of Council's street trees and pruning of limbs protruding into urban lanes is being conducted as resourcing allows.

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.

c) Biosecurity

Weeds

Property Inspections

Inspections were carried out on residential and industrial properties, which were selected due to a change in ownership.

The most commonly found weeds were Lippia (*Phyla canescens*), Privet (*Ligustrum* sp.), Bridal creeper (*Asparagus asparagoides*), Horehound (*Marrubium vulgare*), and Wild radish (*Raphanus raphanistrum*) respectively.

No. 1 st Inspections	No. Re-inspections required	No. 2 nd Inspections	No. Biosecurity Undertakings Accepted	No. Biosecurity Directions Issued	No. 3 rd Inspections	No. 4 th Inspections
12	3	0	0	0	0	0

Control Program

Priority has been given to the control of African boxthorn (*Lycium ferocissimum*), Coolatai grass (*Hyparrhenia hirta*), Horehound (*Marrubium vulgare*) and Wild radish (*Raphanus raphanistrum*) on roadside reserves and council managed land.

22nd NSW Weeds Conference

Council's Environmental Officer attended the 22nd NSW Weeds Conference in Dubbo. Notable interesting topics included:

- Feathertop Rhodes grass (*Chloris virgata*), which was originally a winter dormant species, has evolved to both germinate and set seed in winter.
- A biological control for Skeleton weed (*Chondrilla juncea*) has been released, which would explain why it is now predominately absent from the roadside reserve.
- A biological control for African boxthorn (*Lycium ferocissimum*) is being developed, with extensive testing being carried out to ensure that the biological control does not impact the Australian boxthorn (*Lycium australe*).

- A biological control for African lovegrass (*Eragrostis curvula*) has been released in New Zealand. Investigations for its application in Australia is being considered, although this biological control is expected to impact on Australia's native grasses.
- Sowthistle (*Sonchus* sp.) has developed resistant to some herbicides.
- Sticky nightshade (*Solanum sisymbriifolium*) is becoming a significant weed in Central NSW. Local residents are encouraged to report any sightings.

Pests

Common White Snail Baiting Program

Snail baiting application occurred on Fairview Lane on 1 August.

d) Development Approvals

This report advises of the Development Application Approvals for the month of August 2023

Development Activity Table

DA/CDC No.	Development	Site of Development	Applicant	Value
DA63/23.2	Detached carport, installation of two shipping containers and two rainwater tanks	25 Plunkett St, Yerong Creek	G Hearn	\$ 18,063
DA69/23	Subdivision of One Lot into Two Lots	109 Urana St, The Rock	R Driscoll	\$ 5,000
DA05/24	2 Bedroom steel clad dwelling	116 The Rock Collingullie Rd, The Rock	B Housenloge	\$ 243,000
DA06/24	4 Bedroom brick veneer dwelling	8 Queen St, The Rock	E Birch	\$ 482,000
DA08/24	Install a transportable home, connect to town sewer & water	Piper St, The Rock	C Kendall	\$ 287,500
DA10/24	Construction of a new residential dwelling with attached garage	14-16 Galore St, Lockhart	K Ziems	\$ 787,536
DA11/24	Modifications to Existing Shed	6 Cape St, Milbrulong	G Hartman	\$ 15,000
DA12/24	New Detached Shed	22 Finlayson Ln, Yerong Creek	S Wheatley	\$ 37,552
			Total	\$ 1,875,651

e) Food Safety

The NSW Food Authority has provided advice regarding the Scores on Doors food safety program. The program is part of a broad suite of measures to reduce foodborne illness in NSW. It is founded on a risk-based priority system and encourages the onsite display of the results of a food business's most recent inspection for hygiene and food safety.

At a routine inspection, eligible food premises receive a hygiene and food safety rating based on points allocated under the Scores on Doors guidelines. NSW Food Authority provides the certificates and stickers free of charge to local Councils for each of the three ratings: Good, Very Good or Excellent. Businesses assessed with critical breaches or too many lesser breaches are not awarded any grade or certificate/sticker. Council is not liable for compliance failures or issues with premises conditions. Certificates are issued in good faith, intended as a general guide only. The program provides incentives to food businesses to raise food safety standards which will lead to fewer consumer complaints and fewer compliance issues requiring follow-up.

Council staff will investigate implementing the program after the next round of food inspections are completed. This is so appropriate education and advice can be provided to food business owners prior to the implementation of the program.

Legislative Policy and Planning Implications

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

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

Integrated Planning and Reporting Reference

C2: Flora and fauna are protected across the Shire.

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

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

Budget and Financial Aspects

Will be conducted within Council's allocated budget.

Attachment

Nil

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

STRATEGIC DIRECTION E: Strong Leadership and Governance

5. INVESTMENT AND BANK BALANCES REPORT – AUGUST 2023

(DCCS: 23/10920)

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			641,538.09
Add: Total Receipts			
	Rates	1,216,023.59	
	Debtors	45,542.01	
	Miscellaneous	59,849.34	
	Interest	41,984.13	
	Transport for NSW - Road Safety Program	5,346.25	
	Return of Investments	500,000.00	
	EV Charging Station Grant	2,830.36	
	FAG Qtr 1 Additional Payment	61,277.00	
	Sale of Plant 1426	33,304.75	
	LCRI Phase 1 & 2	467,726.00	
			2,433,883.43
Less: Total Payments			2,115,410.45
	New Investments	0	
Closing Combined Cashbook Balance			960,011.07
Closing Bank Statement Balance	Bendigo Bank	802,863.81	
	Macquarie Bank	98,752.81	
	Bendigo Bank-Prichard Trust	31,796.23	
			933,412.85
Add: Outstanding Deposits			34,492.22
			967,905.07
Less: Outstanding Cheques			7,894.00
Closing Combined Cashbook Balance			960,011.07
	Interest Rate per	Amount	
Investments:	Annum	Invested	% of Total
Bank of Queensland	5.05	700,000.00	5.22
Bendigo Bank	4.95	500,000.00	3.73
Bendigo Bank	4.85	250,000.00	1.86
Bendigo Bank	4.90	400,000.00	2.98
Bendigo Bank	4.90	1,000,000.00	7.45
Bendigo Bank	at call	66,072.20	0.49
Commonwealth Bank	4.81	500,000.00	3.73
Commonwealth Bank	4.76	1,000,000.00	7.45
Commonwealth Bank	4.83	1,000,000.00	7.45
Commonwealth Bank	4.87	500,000.00	3.73
Commonwealth Bank	4.83	500,000.00	3.73
IMB	5.05	500,000.00	3.73
Macquarie Bank	4.72	500,000.00	3.73
Macquarie Bank	4.72	500,000.00	3.73
Macquarie Bank	4.94	500,000.00	3.73
Macquarie Bank	4.81	500,000.00	3.73
Macquarie Bank	4.80	500,000.00	3.73
National Australia Bank	5.07	500,000.00	3.73
National Australia Bank	4.80	500,000.00	3.73
National Australia Bank	4.80	500,000.00	3.73
National Australia Bank	4.90	500,000.00	3.73
National Australia Bank	5.09	500,000.00	3.73
National Australia Bank	5.09	1,000,000.00	7.45
National Australia Bank	4.95	500,000.00	3.73
		13,416,072.20	
			AMOUNT
	1490-3000-0000		(1,664,776.79)
Combined Sewerage	8490-3000-0000		2,592,991.63
Trust Fund	9991-3000-0000		31,796.23
		960,011.07	960,011.07
	TOTAL FUNDS HELD ARE:		14,376,083.27

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 \$400,000 income from interest on investments for General Fund. For the period July 2023 to August 2023, the average end of month balance of funds invested has been \$13.4 million and the average return on invested funds has been 4.84%. On these year to date figures, Council's budgeted income on investments will be achieved for the General Fund. Any adjustments will be incorporated into the July to Sept Quarterly Budget Review, to be presented at the November Council meeting.

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

6. AUDITED FINANCIAL STATEMENTS – 2022/2023

(DCCS: 23/10923)

Executive Summary

The purpose of this report is to address the requirement for Council and Management to make a statement as to the preparation and content of the General Purpose and Special Purpose Financial Statements for the 2022-23 financial year.

Report

The Local Government Act 1993 (The Act) requires Council to produce General Purpose Financial Statements and Special Purpose Financial Statements for inclusion in Council's Annual Report. These statements are to be externally audited prior to being adopted by Council for publication.

The Act also requires Council to resolve prior to submission to the external auditor that the accounts have been prepared in accordance with the Act and the Australian Accounting Standards to fairly represent Council's financial position. Senior staff are also required to certify the accounts to this effect. General Purpose Financial Statements and Special Purpose Financial Statements are to be signed by Councillors and Management after being adopted at the Council meeting to be held on 18 September 2023.

Integrated Planning and Reporting Reference

- E1: Continue to develop sound financial management policies and practices.
- E1: Meet all governance and regulatory requirements in the conduct of Council operations.

Legislative Policy & Planning Implications

Section 413 (2) (c) of the Local Government Act 1993 states that a council's financial reports must include a statement in the approved form by the council as to its opinion on the general purpose financial report.

Budget & Financial Aspects

Reporting on Council's financial performance for the 2022-2023 financial year.

Attachments

To be provided under separate cover, prior to Council meeting:

1. Statement by Councillors and Management – General Purpose Statements.
2. Statement by Councillors and Management – Special Purpose Statements.
3. Schedule of restricted funds by Council as at 30 June 2023.
4. Draft General Purpose and Special Purpose Financial Statements:
 - a) Income Statements
 - b) Balance Sheet/Financial Position
 - c) Cash Flow.

Recommendation: That Council certify in its opinion the General Purpose Financial Statements and the Special Purpose Financial Statements as prepared, are in accordance with the attached certificates and that the certificates be completed by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer.

7. LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

(GM: 23/10312)

Executive Summary

Council is required to determine its attendees to the Annual Conference of Local Government NSW (LGNSW).

LGNSW Annual Conference

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

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

This year the Annual Conference will be held from Sunday 12 November to Tuesday 14 November 2023 at Rosehill Gardens Racecourse in Sydney.

Historically the Mayor has attended the Conference as the Council's voting delegate along with the General Manager. However, the Councillors' Professional Development Program adopted by Council also makes provision for one other councillor to attend the LGNSW Annual Conference each year in addition to the Mayor.

At its meeting held on 17 July 2023 Council resolved to appoint the Mayor as its voting delegate and to nominate one other Councillor to attend the Annual Conference together with the Mayor and the General Manager. At this stage another Councillor has not been nominated to attend the Conference. However, Cr Sharp has expressed an interest in attending if no other Councillor is available and willing to go.

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

The LGNSW Annual Conference is the annual policy-making event for all NSW councils.

Budget & Financial Aspects

The LGNSW Annual Conference costs are provided for in the 2023/24 Budget, except for any partner costs not covered by Council's policy, which will be on-charged, if applicable.

Attachment

Nil.

Recommendation: That Council nominate one other Councillor to attend the Annual Conference together with the Mayor and the General Manager.

8. NSW PUBLIC INTEREST DISCLOSURES ACT

(GM: 23/9640)

Executive Summary

On 1 October 2023 there will be new public interest disclosure (PID) legislation in NSW which completely replaces the Public Interest Disclosures Act 1994. The new legislation will necessitate Council reviewing its current Public Interests Disclosures Policy.

Report

Council reviews its policies every three years unless a change in circumstances prompts a review ahead of schedule such as a change in legislation, issues raised by internal or external audit, management recommendations or a change in the operating environment.

This is one such occasion where the implementation of a new Public Interests Disclosures Act (PID Act) on 1 October 2023 to replace the existing 1994 Act, necessitates a review of Council's Policy 1.18 Public Interest Disclosures and Reporting System.

The PID Act provides the framework that facilitates public interest reporting of wrongdoing by:

- Protecting those who speak up from detriment.
- Taking active steps to maintain the confidentiality of reports.
- Imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.
- Compared to the previous 1994 Act, the PID Act:
 - Provides for public officials to have multiple pathways to report serious wrongdoing. This includes reporting to a disclosure officer, their manager and other agencies, such as integrity agencies.
 - The threshold for what is considered detrimental action has been lowered, and the associated penalties for the detrimental action offence have been increased, when compared to the 1994 Act.
 - Clarity is provided in the PID Act on what agencies are expected to do with a report when it is received, how they must deal with a report once it is identified it is a PID and what they must do if serious wrongdoing is found to have occurred.
 - The PID Act also outlines when an agency must communicate with a PID maker and with the NSW Ombudsman.

The PID Act recognises that there are three (3) types of PIDs. These are:

Voluntary PID: This is a PID where the report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.

Mandatory PID: This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.

Witness PID: This is a PID where a person discloses information in the course of an investigation of serious wrongdoing following a request or requirement of the investigator.

In order to ensure that agencies identify when they have received a voluntary PID, it is important to understand what serious wrongdoing is. Serious wrongdoing is defined under section 13 of the Act as meaning one or more of the following:

- Corrupt conduct
- Serious maladministration
- A government information contravention

- A local government pecuniary interest contravention
- A privacy contravention
- A serious and substantial waste of public money.

For a report to be a voluntary PID, it must have been made to one or more of the following people:

- The person's manager
- A 'disclosure officer' in any agency – this could be:
 - the agency where the person works
 - the agency to which the wrongdoing related (if not the agency where the person works)
 - another agency, including an integrity agency (such as the NSW Ombudsman's Office, the ICAC, or the Audit Office)
- The head of any agency
- A Minister or Ministerial staff (but only if the report is made in writing)
- A journalist or MP (in very limited circumstances).

Now that the PID Act provides multiple pathways to report serious wrongdoing by allowing public officials to make a PID to their manager, it will be necessary that all managers be provided with training in the PID Act within six months of the PID Act coming into force and every three years thereafter. This training will be incorporated into Council's 2023/24 Training Plan.

The NSW Ombudsman's Office has also established a dedicated webpage for the PID Act i.e. www.ombo.nsw.gov.au/guidance-for-agencies/handling-public-interest-disclosures-whistleblowing, and has released a template policy that councils and government agencies can adopt or customise to their own requirements.

It is recommended that Council review its existing public interest disclosures and reporting policy i.e. Policy 1.18, by adapting the policy template released by the Ombudsman's Office. A copy of the proposed policy is attached.

Integrated Planning and Reporting Reference

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

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

Legislative Policy & Planning Implications

A new Public Interests Disclosures Act will come into force in NSW on 1 October 2023 and apply to all NSW public sector agencies. Under the PID Act 'agency' is defined to include public service agencies, local government authorities, public universities, integrity agencies, statutory bodies and local aboriginal land councils.

Budget & Financial Aspects

Mandatory training for all managers in the PID Act will be incorporated into Council's existing 2023/24 Training Budget.

Attachments

Revised Policy 1.18 Public Interest Disclosures provided as a separate document.

Recommendation: That Revised Policy 1.18 Public Interest Disclosures, as presented, be adopted.

9. POLICY REVIEWS

(GM: 23/10324)

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 1.24 Bribes, Gifts and Benefits
- 2) Policy 2.24 Weeds Management
- 3) Policy 2.25 Bush Fire Operations, Supply and Management of Equipment
- 4) Policy 2.34 Refund of Development Related Fees
- 5) Policy 2.29 Refund of Fees to Community Organisations
- 6) Policy 2.46 Keeping of Animals

No changes have been made to Policies 1.24 and 2.24.

Minor changes have been made to Policy 2.46 in order to update names and references to relevant departments and legislation and to provide new links to where further information can be sourced.

With respect to Policy 2.25 Bush Fire Operations, Supply and Management of Equipment it is recommended that this policy be rescinded as the matters dealt with in that policy are by and large determined by the Rural Fire Service (RFS). Council’s opportunity to have input in these matters is through its representation on the Riverina Zone RFS Service Level Agreement Liaison Committee. It is because of Council’s lack of control over bush fire operations, supply and management of equipment that it has made the decision not to recognise this equipment in its financial statements.

Policy 2.34 Refund of Development Related Fees relates to circumstances where development application and related fees may be refunded, or partially refunded e.g. when a development application is withdrawn prior to it being determined or its assessment completed. Policy 2.29 Refund of Fees to Community Organisations on the other hand relates to the refund of fees as a form of financial assistance e.g. to applicants who are community based, not-for-profit organisations or section 355 committees. These two policies have been combined into a new Policy 2.60 Refund of Application Fees.

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

Where fees are refunded as a form of financial assistance to applicants who are community based, not-for-profit organisations or section 355 committees, the financial assistance will be funded through Council’s budget allocation for section 356 contributions. The refund of application fees in other circumstances will not have any discernible impact on the budget.

Attachments

1. Policy 1.24 Bribes, Gifts and Benefits
2. Policy 2.24 Weeds Management
3. Policy 2.25 Bush Fire Operations, Supply and Management of Equipment
4. Policy 2.46 Keeping of Animals

5. Policy 2.60 Refund of Application Fees

Recommendation:

1. That the following Policies, as presented, be adopted:
 - a) Policy 1.24 Bribes, Gifts and Benefits
 - b) Policy 2.24 Weeds Management
 - c) Policy 2.46 Keeping of Animals
2. That Policy 2.25 Bush Fire Operations, Supply and Management of Equipment be rescinded.
3. That Policy 2.34 Refund of Development Related Fees and Policy 2.29 Refund of Fees to Community Organisations be rescinded and replaced by new policy 2.60 Refund of Application Fees.

Staff Report 9: Attachment 1 – Policy 1.24 Bribes, Gifts and Benefits

1.24 Bribes, Gifts and Benefits

POLICY TITLE: BRIBES, GIFTS AND BENEFITS

FILE REF: SC67

EXPIRY DATE: SEPTEMBER 2026

POLICY OBJECTIVE

- 1) Lockhart Shire Council understands the need for its business to be conducted in a fair, ethical and honest manner. The aim of this policy is to ensure council officials are informed on Council's position and expectations in relation to offers of gifts, bribes or personal benefits.
- 2) The acceptance of gifts and benefits is a problem for many public officials. Deciding where to draw the line between the proper and improper acceptance of gifts and benefits can be difficult. This policy has been produced to guide Councillors and staff who may be offered gifts, benefits or bribes in the course of their official duties.

POLICY STATEMENT

A Councillor or member of staff must:

- 1) Not seek or accept a bribe, or other improper inducement.
- 2) Not take advantage of his or her official position to improperly influence other councillors or members of staff in the performance of their public or professional duties for the purpose of securing a private benefit for himself or herself or for some other person.
- 3) Generally not by virtue of his or her official position accept or acquire a personal profit or advantage of a pecuniary value; however they may:
 - a) Accept a nominal value (low value) gift or benefit.
 - b) Accept a more than nominal value (high value) gift or benefit in special circumstances, e.g. a situation where it would be rude or inappropriate do to so, the gift or benefit must be reported to the General Manager or the Mayor (in the case of councillors) as soon as practicable after the event.

BRIBES

- 1) Bribes should never be accepted. A person offered a bribe should refuse it and report the incident as soon as possible to their supervisor, General Manager or the Mayor (in the case of Councillors). Council will take steps to report the matter to ICAC and the police immediately.
- 2) Councillors, Staff and Delegates must not offer or seek a bribe.
- 3) Receiving a bribe is an offence under both the common law and NSW legislation. The common law offence of bribery is defined as receiving or offering any undue reward by, or to, any person in public office in order to influence his or her behaviour in that office, and to incline that person to act contrary to the known rules of honesty and integrity.
- 4) Section 249B(1) of the Crimes Act 1900 (NSW) creates an offence if any employee corruptly receives or solicits (or corruptly agrees to receive or solicit) from another person any benefit as an inducement to do, or not do, something in relation to their official duties. Similarly, it is an offence for an employee to corruptly receive or solicit (or corruptly agree to receive or solicit) any benefit that would in any way tend to influence that employee to show favour or disfavour to any person in relation to their official duties.
- 5) Section 249J of the Crimes Act also provides that custom is not a defence to the receiving, soliciting, giving or offering of any benefit. This means that a person cannot rely on the fact that it is customary to offer and receive gifts and benefits in his or her trade, business, profession or calling, as a defence.

GIFTS AND BENEFITS

1. In a private context, gifts are usually unsolicited and meant to convey a feeling on behalf of the giver, such as gratitude. There is ordinarily no expectation of repayment. Gifts given in a private context are not the focus of this policy.
2. Gifts are also offered to individuals in the course of business relationships. Such gifts are usually given for commercial purposes; for example, to create a feeling of obligation in the receiver.
3. It is Council's preferred position that:
 - a) Gifts and benefits not be offered to Councillors, staff and delegates.
 - b) Gifts and benefits are not to be solicited.
 - c) Gifts and benefits should be actively discouraged by Councillors, staff and delegates.
 - d) People doing business with Council should understand that they do not need to give gifts or benefits to Councillors or staff to get high quality service.
4. Gifts and benefits fall into two categories, those that are more than token value and those of token value.
5. Councillors and staff must not accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty.
6. The following are not "gifts or benefits" for the purposes of the Model Code of Conduct and do not need to be disclosed:-
 - a) items with a value of \$10 or less
 - b) benefits and facilities provided by Council (as opposed to third parties) to staff and councillors, and
 - c) meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.

Gifts of Token Value

1. Gifts below token value may be accepted if they do not create a sense of obligation on your part, or are not perceived to be intended to, or likely to influence you in carrying out your public duty.
2. For the purposes of this policy "token value" is described as goods and/or services which have nominal value (i.e. less than \$100.00).
3. Generally speaking, token gifts and benefits may include:
 - a) Gifts of single bottles of reasonably priced alcohol to individual Council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
 - b) Free or subsidised meals, of a modest nature, and/or beverages provided infrequently (and/or reciprocally) that have been arranged primarily for, or in connection with, the discussion of official business.
 - c) Free meals, of a modest nature, and/or beverages provided to Council officials who formally represent Council at work related events such as training, education sessions and workshops.
 - d) Refreshments of a modest nature, provided at conferences where you are a speaker.
 - e) Ties, scarves, coasters, tie pins, diaries, chocolates, flowers and small amounts of beverages.
 - f) Invitations to appropriate out of hours "cocktail parties" or social functions organized by groups, such as, Council Committees and community organisations.
4. Token value gifts and benefits may only be accepted if the gift is not likely to be seen as compromising Councillors or employees.

Gifts of more than Token Value

1. More than token gifts and benefits are those with a value of more than \$100.
2. You must never accept an offer of money, regardless of the amount.
3. Generally speaking, more than token value gifts and benefits may include:
 - a) Tickets to major sporting events

- b) Corporate hospitality at a corporate facility at a sporting venue
 - c) Discounted products for personal use
 - d) The frequent use of facilities such as gyms
 - e) Use of holiday homes
 - f) Free or discounted travel
 - g) Goods and items donated to Council and employee functions.
4. You must avoid situations in which the appearance may be created that any person or body, through the provision of hospitality or benefits of any kind, is securing or attempting to influence or secure a favour from you or the Council.
 5. You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that could appear to an impartial observer to be an attempt to influence or secure a favour. Immediate family members ordinarily include parents, spouses, children and siblings.

GIFTS AND BENEFITS REGISTER

1. Council will maintain a Gifts and Benefits Register for the purposes of the Code of Conduct and this Policy.
2. Where a gift or benefit of more than token value is received in circumstances where it cannot reasonably be refused or returned, the details of the gift must be disclosed to your supervisor, General Manager or the Mayor (in the case of councillors) and recorded in the Gifts and Benefits Register held by Council. The gift or benefit must be surrendered to the Council, unless the nature of the gift or benefit makes this impractical.
3. At a minimum, the following details are recorded in the Council's gift register:
 - a) The nature of the gift or benefit
 - b) The estimated monetary value of the gift or benefit
 - c) The name of the person who provided the gift or benefit, and
 - d) The date on which the gift or benefit was received.
4. The Gifts and Benefits Register will be tabled at a meeting of the Audit, Risk and Improvement Committee on an annual basis.
5. Gifts and benefits that do not have to be recorded in the Gifts and Benefits Register include:
 - a) A political donation for the purposes of the *Electoral Funding Act 2018*.
 - b) A gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them.
 - c) Attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - d) Free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i. The discussion of official business
 - ii. Work-related events such as:
 - Council-sponsored or community events, training, education sessions or workshops
 - Conferences
 - Council functions or events
 - Social functions organised by groups, such as council committees and community organisations.

REWARD PROGRAMS AND LOYALTY SCHEMES

Credit Cards

Council credit cards are not linked to any loyalty programs or other schemes that accumulate points that have a monetary value or offer other rewards.

Travel and Accommodation

1. All travel and accommodation must be booked using a Council purchase order or credit card.
2. Councillors and staff who are members of an airline club e.g. frequent flyer, Qantas Club etc. may accept the benefits of membership other than the accrual of reward points e.g. access to airport lounges. However, in choosing an airline for travel the most cost-effective logical fare of the day (i.e. the lowest fare available meeting the traveller's logistical needs) needs to be used for all domestic flights i.e. the traveller can only specify destination, date and preferred time. Program membership cannot influence airline choice.
3. Councillors and staff who are members of a hotel chain may accept the benefits of membership other than the accrual of reward points e.g. room upgrade, late checkout etc. The choice of venue should be based on the most cost-effective option meeting the traveller's logistical needs including venue location. Program membership cannot influence accommodation choice.

Other Rewards

1. You must not:
 - a) Participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer-supplier relationship with the competition organiser.
 - b) Personally benefit from reward points programs when purchasing on behalf of the Council.
2. Any other rewards, prizes or other benefits received as a result of a Council business transaction, from competitions, promotions or other programs available to the general public, remain the property of the Council.

REFERENCE DOCUMENTS

This Policy should be read in conjunction with the following Council documents:

- 1) Policy 1.4 Code of Conduct
- 2) Policy 1.6 Statement of Business Ethics
- 3) Policy 1.7 Fraud Control Policy

*Adopted by Council 18 September 2023
Refer minute xxx/23*

*Adopted by Council 18 March 2020
Refer minute 47/20*

Staff Report 9: Attachment 2 – Policy 2.24 Weeds Management

2.24 Weed Management

POLICY TITLE: WEED MANAGEMENT

FILE REF: SC252

EXPIRY DATE: SEPTEMBER 2026

PURPOSE OF POLICY

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

SCOPE

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

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

BACKGROUND

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

POLICY

1. Obligations

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

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

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

2. Supporting Documentation

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

3. Definitions

Definitions used in Biosecurity legislation and associated documentation shall apply.

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

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

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

Biosecurity Matter: Biosecurity matter is:

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

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

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

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

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

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

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

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

Adopted by Council – 18 September 2023
Refer Minute No. xxx/23

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

Adopted by Council – 16 February 2015
Refer Minute No. 36/15

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

Staff Report 9: Attachment 3 – Policy 2.25 Bush Fire Operations, Supply and Management of Equipment

2.25 Bush Fire Operations, Supply & Management of Equipment

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

FILE REF: SC105

EXPIRY DATE: AUGUST 2023

OBJECTIVES

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

POLICY STATEMENT

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

In addition, the following policy directions will apply:

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

- 1.8. Quick fill pumps, small trailers to transport quick fill pump units, batteries, flashing lights and associated equipment to complement tankers would continue to be supplied through the Fund as priority equipment depending on total bids in any financial year. These items will be funded and maintained as per tankers.

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

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

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

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

Staff Report 9: Attachment 4 – Policy 2.46 Keeping of Animals

2.46 Keeping of Animals

POLICY TITLE: KEEPING OF ANIMALS

FILE REF: SC168

EXPIRY DATE: SEPTEMBER 2026

OBJECTIVE

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

POLICY STATEMENT

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

The policy aims to:

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

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

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

POLICY REQUIREMENTS

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

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

Aviary Birds

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

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

Bees

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

Dogs and Cats

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

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

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

Horses and Cattle

The keeping of horses and cattle in residential areas is not recommended. Standards for keeping horses and cattle are set out in clause 21 of Schedule 2 under the [Local Government \(General\) Regulation 2021](#) (External link).

Development consent is required from Council to erect a stable.

Native Fauna

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

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

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

Pigs

Standards for keeping swine or pigs are set out in clauses 17 and 18 of Schedule 2 under the [Local Government \(General\) Regulation 2021](#) (External link).

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

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

Poultry

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

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

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

Standards for keeping poultry are set out in clauses 19 and 20 of Schedule 2 under the [Local Government \(General\) Regulation 2021](#) (External link). The regulations state that poultry must not cause a nuisance or danger to health and that the poultry yard must be kept clean and free of offensive odours.

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

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

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

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

Rabbits

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

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

It is recommended that all pet rabbits be desexed.

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

Sheep and Goats

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

LEGISLATIVE RESPONSIBILITIES

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

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

If the issue cannot be resolved by consultation, the Council will proceed to issue notice of its intention to serve an Order. Council's power to control and regulate the keeping of animals is provided under Section 24 of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021* applies.

Adopted by Council 18 September 2023
Refer Minute No. xxx/23

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

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

Staff Report 9: Attachment 5 – Policy 2.60 Refund of Application Fees

2.60 Refund of Application Fees

POLICY TITLE: REFUND OF DEVELOPMENT-RELATED FEES

FILE REF: SC299, SC24

EXPIRY DATE: SEPTEMBER 2026

LEGISLATIVE CONTEXT

Pursuant to clause 52 (3) of the Environmental Planning and Assessment Regulation 2000 a consent authority may (but is not required to) refund to the applicant the whole or any part of any application fee paid in connection with an application that has been withdrawn.

Pursuant to Section 356 of the Local Government Act 1993 Council may, by resolution, provide financial assistance to others.

POLICY STATEMENT

1. Council will refund development related application fees to the applicant in the following circumstances:
 - a) The applicant's advice that the application is withdrawn and request to receive a refund of application fees paid must be in writing.
 - b) Refunds will only be made where the applicant's written advice is received prior to the completion of the draft assessment by Council.
 - c) Subject to a) and b) above, refund of 50% of the application fees paid to Council will be made for the following applications:
 - Development application
 - Construction Certificate
 - Installation of solid fuel heaters
 - Installation of plumbing and drainage
 - Occupation Certificate
2. Council is mindful of the contribution made to the community by community-based, not-for-profit organisations. Council will therefore refund by way of equal donation any fees listed in Council's adopted Fees and Charges which would otherwise be retained by Council with respect to development related applications lodged by or on behalf of community-based not-for-profit organisations in Lockhart Shire.
3. The types of eligible organisations to which this policy applies will include Council's Section 355 Committees, service clubs, show societies, community-based sporting clubs, progress associations and community-based pre-school kindergartens.
4. Any refund of development related application fees paid to Council will be met from Council's Section 356 Contributions budget allocation.

*Adopted by Council – 18 September 2023
Refer Minute No. xxx/23*

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.

10. GENERAL MANAGER ANNUAL PERFORMANCE REVIEW FOR PERIOD ENDING 30 JUNE 2023

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

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