



**MINUTES**  
of the  
**Ordinary Meeting**  
Held  
**15 July 2024**

**Minutes of the Ordinary Monthly Meeting of Lockhart Shire Council held in the Council Chambers,  
Lockhart on Monday, 15 July 2024 commencing at 5.00pm.**

## **PRESENT**

Cr G Verdon (Mayor), Cr P Sharp (Deputy Mayor), Cr G Driscoll, Cr J Hunter, Cr I Marston, and Cr R Mathews.

Cr F Day attended the meeting via audio-visual link.

Also in attendance were the General Manager, Director Corporate and Community Services, Director Engineering, Director Planning and Environment and Executive Assistant.

The meeting opened with a prayer, followed by an Acknowledgement of Country.

The Mayor reminded Councillors of their ethical obligations as reflected in the oath and affirmation of office, and the Code of Conduct.

The Mayor also informed all persons present that the proceedings of the meeting were being recorded.

## **APOLOGIES**

<p><b>112/24 RESOLVED</b> on the motion of Crs Marston and Sharp that the apology from Cr Rockliff and Cr Walker be accepted and leave of absence be granted.</p>
---

## **CONFIRMATION OF MINUTES ORDINARY MEETING HELD 17 JUNE 2024**

<p><b>113/24 RESOLVED</b> on the motion of Crs Mathews and Hunter that the Minutes of the Ordinary Meeting held on Monday, 17 June 2024 as printed and circulated be taken as read and confirmed.</p>
---

## **DECLARATION OF PECUNIARY AND NON-PECUNIARY INTERESTS**

Nil.

## **MAYORAL MINUTE**

### **APPOINTMENT OF ACTING GENERAL MANAGER**

As Councillors will be aware the General Manager, Peter Veneris, tendered his resignation last November with an effective date of 3 July 2024.

In accordance with a resolution of Council passed at the February 2024 Council meeting a recruitment process was undertaken to appoint a new General Manager which culminated in interviews being held on 12 April 2024 with the appointment of Gavin Rhodes as the new General Manager subsequently being confirmed.

As Councillors will also be aware, Mr Rhodes is not in a position to commence in his new role until 14 August 2024. In the circumstances Mr Veneris has agreed to extend his resignation date to Friday 26 July 2024 however this will still necessitate the appointment of an Acting General Manager for a short period between 26 July to 14 August 2024.

**Recommendation:** That Council appoints the Director Corporate and Community Services, Craig Fletcher, as the Acting General Manager for the period 27 July to 13 August 2024

**114/24 RESOLVED** on the motion of Crs Sharp and Driscoll that Council appoints the Director Corporate and Community Services, Craig Fletcher, as the Acting General Manager for the period 27 July to 13 August 2024.

## REPORT ON MAYORAL & COUNCILLOR ACTIVITIES

The Mayor, Cr Verdon, reported on activities during the past month as follows:

- 27 June Attended farewell morning tea for Darren Smallwood
- 28 June Along with the General Manager attended REROC Board Meeting.
- 28 June Guest speaker at Lockhart 400 Club dinner.
- 5 July Along with Crs Mathews, Sharp, Marston and Day, attended farewell dinner for General Manager.
- 12 July Along with Crs Hunter and Day, attended Walk of Fame ceremony.
- 15 July Along with the General Manager, gave evidence to Parliamentary Inquiry on Local Government funding of Infrastructure and services held in Albury.

Cr Day reported the following activities during the past month:

- 19 June Meeting with Tourism & Economic Development Officer Lockhart Shire Council.
- 25 June Lockhart Gymnasium Working Group Meeting at 7.00pm, Lockhart Football Club.
- 27 June Morning Tea Farewell for Darren Smallwood, Works Manager, Lockhart Shire Council.
- 5 July Regional Health Innovation Showcase CSU Riverina Playhouse – Keynote Speaker Victor Dominello.
- 5 July Farewell for Peter Veneris, Lockhart Football Club.
- 9 July Coffee with a Councillor, Latte Da Café Bar.
- 12 July Lockhart Walk of Fame Inductee Ceremony, Council Chamber.

Cr Driscoll verbally reported the following activities:

- 27 June Riverina Water Board meeting.
- 8-11 July Murray Darling Association Annual General Meeting in Tamworth.

Cr Sharp verbally reported the following activity:

- 12 July Attended the launch of Housing Now Riverina Murray.

**115/24 RESOLVED** on the motion of Crs Marston and Sharp that the Mayoral and Councillor Activity Report be received.

## URGENT MATTERS

Nil.

## NOTICE OF MOTION

Nil.

## COMMITTEE REPORTS

Nil.

## DELEGATES' REPORTS

### 1. REROC BOARD MEETING, 28 JUNE 2024 IN WAGGA WAGGA

I report having attended a REROC Board meeting on Friday 28 June 2024 in Wagga together with the General Manager.

In terms of advocacy, it was noted that REROC has made submissions to:

- The Public Accounts Committee Inquiry into the assets, premises and funding of the NSW Rural Fire Service
- The Standing Committee on State Development Inquiry into Local Government's Ability to Fund Services and Infrastructure, and
- The Review of the legislation relating to the Reconstructions Authority.

The response received by REROC to its representations to the relevant Minister regarding the new Internment Industry Levy has indicated that the implementation of the levy has been delayed for Lockhart and Junee Councils (and councils with 50 or less internments per year) until 1 July 2025.

A visit to Parliament House Canberra is being planned in conjunction with Michael McCormack's Office for early 2025.

A very successful Build a Bridge Camp for students considering a career in engineering was held on 29, 30 April and 1 May. CSU attended this year, and REROC is now in discussions with CSU regarding recognition of participation in the activity for admission to CSU engineering.

With respect to aggregated procurements:

- REROC has completed a Bulky Green Waste processing procurement. Six of the member councils are participating including Lockhart.
- A procurement is being planned for bitumen emulsion next month.
- Another procurement is being planned for waste metal later this year.

The Bin Trim project is progressing with eight registrations to date, being three in excess of the target for the project. These registrations include locations where significant diversion of food waste from landfill has been achieved, namely Elecnor work camp at Lockhart and the four hospitals based respectively in Lockhart, Coolamon, Gundagai and Junee.

REROC has received two years of funding to promote the community recycling centres and have put together an advertising campaign, which is running on Channels 7 & 9 and at Forum 6 Cinema in Wagga. The current television campaign will run until the end of September 2024 and the Cinema Campaign until April 2025.

In terms of forthcoming REROC conferences it is noted that:

- The Energy and Innovation Conference is being held on 28-29 August.
- The No Time To Waste Conference is being held 30 & 31 October.

**Cr Greg Verdon**  
**Mayor**

### 2. RIVERINA WATER COUNTY COUNCIL BOARD MEETING, 27 JUNE 2024

(24/8566)

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 27 June 2024 has been distributed separately to Councillors.

**Recommendation:** That the Delegates' reports be received and noted.

**116/24 RESOLVED** on the motion of Crs Mathews and Sharp that the Delegates' reports be received and noted.

## STATUS REPORT/PRÉCIS OF CORRESPONDENCE ISSUED

**Status Report: Council Resolutions and Tasks to be finalised.**

Minute No:	Officer to Action	Council Resolution	Action Taken
<b>Ordinary Council Meeting held 17 June 2024</b>			
107/24	DCCS	<p><b>Lockhart Long Day Care Services</b></p> <p>That, as the approved provider for childcare services operated from the Lockhart Central School library, Council meets the cost of modification and improvement works required for the purposes of extending the existing licence obtained for the Lockhart OOSH to include a long day care service.</p>	<p>Resolution 107/24 approved funding of modifications.</p> <p>Dept of Education Asset Management Unit have put the scope of works out to tender.</p>
106/24	GM	<p><b>Lockhart Shire Audit, Risk and Improvement Committee - Appointment of Independent Chair and Independent Member</b></p> <p>1) Nick Tobin be appointed Independent Chair of the Lockhart Shire Council Audit, Risk and Improvement Committee (ARIC) for a four-year term.</p> <p>2) Kylie McRae and Raffaele D'Angelo be appointed independent members of the Lockhart Shire Council ARIC for a term of four years and two years respectively.</p> <p>3) Council appoints a Councillor as a non-voting member of the ARIC at the first meeting of the newly elected Council following the forthcoming Local Government Elections.</p> <p>4) Section 4 of the ARIC Charter be amended to reflect the new composition of the ARIC and that a broader review of the Charter be undertaken by the ARIC once the new appointees are in place.</p>	<p>1) Independent chair and independent members have been advised of their appointment. Complete.</p> <p>2) Independent chair and independent members have been advised of their appointment. Complete.</p> <p>3) To be determined at the October Council meeting.</p> <p>4) Charter amended. Complete.</p>
103/24	DPE	<p><b>Proposed Modification of DA50/19 – New Service Station, 4760 Olympic H'way, The Rock</b></p> <p>1. Council amends condition number 13 of DA50/19 to:</p> <ul style="list-style-type: none"> <li>• Prior to the issue of an Occupation Certificate, a receipt for the payment to Lockhart Shire Council of Section 94A</li> </ul>	<p>Applicants notified.</p> <p>Complete.</p>

*Lockhart Shire Council  
Ordinary Meeting – 15 July 2024*

Minute No:	Officer to Action	Council Resolution	Action Taken
		<p>Levy Contributions shall be submitted to the Certifying Authority.</p> <p>The Section 94A Levy is calculated at 1% of the cost of development, as determined at the date of this consent. The total contribution to be paid has been calculated at \$48,000.</p> <p>NOTE: This amount may change if there is a delay with payment of the levy, as the cost of works is to be indexed before payment to reflect quarterly variations in the Consumer Price Index (CPI). And</p> <p>2. Condition number 31 of DA50/19 remain unchanged.</p>	
100/24	DCCS	<p><b>Request for Financial Assistance</b></p> <p>In accordance with section 356 of the Local Government Act, Council donates \$500 to Savannah Swift to assist with her expenses in representing New South Wales at the National Swimming Titles.</p>	<p>Financial assistance has been paid to the recipient.</p> <p>Complete.</p>
<b>Ordinary Council Meeting held 20 May 2024</b>			
76/24	DPE/ DCCS	<p><b>Trial Waste Voucher System for 2024/25</b></p> <p>That Council provides two (2) vouchers for the disposal of waste in 2024/25 to each ratepayer and to all Section 355 Committees.</p>	<p>In progress. Vouchers will be distributed with rate notices in late July.</p>
73/24	GM	<p><b>Australia Day Award Categories</b></p> <p>That Council approach the schools in the Shire to determine the level of support for the introduction of Student Achiever Awards as part of Council's annual Australia Day Award presentations.</p>	<p>Refer separate report to this Council meeting (Staff Report 2).</p> <p>Complete.</p>

*Lockhart Shire Council  
Ordinary Meeting – 15 July 2024*

Minute No:	Officer to Action	Council Resolution	Action Taken
<b>Ordinary Council Meeting held 15 April 2024</b>			
65/24	GM	<p><b>Housing Initiatives and Opportunities for Council</b></p> <ol style="list-style-type: none"> <li>1. Development applications be prepared for the construction of two x three-bedroom units on an allotment in each of the two proposed subdivisions in Prichard Place, Lockhart.</li> <li>2. A development application be prepared for the construction of a single dwelling house on 65 Nicholas Street, The Rock for staff accommodation.</li> <li>3. Council endorses an approach being made to Transport for NSW regarding availability to purchase Lots 4/5 and 7/8 Section 14 Nicholas Street, The Rock.</li> <li>4. Council enquires whether a preliminary investigation has been undertaken with respect to contamination in relation to the property situated at 50 Urana Street, The Rock.</li> </ol>	<ol style="list-style-type: none"> <li>1. Plans to support a DA to be prepared.</li> <li>2. Plans to support a DA to be prepared.</li> <li>3. Approach made to TfNSW, awaiting a response.</li> <li>4. Enquiries have been made and the selling agent has confirmed that no investigation has been undertaken with respect to contamination on the land.</li> </ol>
57/24	DE	<p><b>Brooking Creek Masterplan</b></p> <p>That Council implements the improvements that form part of the Brooking Creek Masterplan and are outlined in this report, utilising the grant funding received under Round 5 of the Stronger Country Communities Fund.</p>	Quotes currently being sourced.
<b>Ordinary Council Meeting held 18 September 2023</b>			
163/23	GM	<p><b>Magnolia Lodge and Youth Flats</b></p> <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol>	<p>NSW Land and Housing Corporation advised of Council's decision.</p> <p>Concept plans have been prepared and forwarded to the NSW Land and Housing Corporation for feedback.</p>
<b>Ordinary Council Meeting held 13 February 2023</b>			
26/23	GM	<p><b>Proposed Acquisition of Land</b></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>	Determination of the DA has been referred to a neighbouring council in accordance with Policy 2.58 Conflicts of Interest – Council Related Developments.

*Lockhart Shire Council  
Ordinary Meeting – 15 July 2024*

Minute No:	Officer to Action	Council Resolution	Action Taken
9/23	GM/DE	<p><b>Disaster Recovery Funding Arrangements</b></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"> <li>1. Emily Street, The Rock – drainage improvements</li> <li>2. Cole Street, Yerong Creek – drainage improvements</li> <li>3. Green Street West, Lockhart – drainage improvements</li> <li>4. Flood Detour Road – culvert installation</li> <li>5. Waste Mgt Facilities Access Roads</li> <li>6. Community information initiative (social media)</li> <li>7. Access Road – Golf Club</li> </ol>	<p>Approval received to access funds for Emily Street.</p> <p>Design completed and materials are being ordered.</p>
<b>Ordinary Council Meeting held 18 July 2022</b>			
141/22	GM	<p><b>Request for Council to Purchase Private Access</b></p> <p>Council agrees to the request in principle subject to Council and the applicants agreeing to a reasonable cost sharing arrangement.</p>	<p>Subject land has been transferred to Council and dedicated as public road. Payment has been received from landowners in accordance with agreed cost sharing arrangement.</p> <p>Upgrading of the road to be scheduled.</p>
<b>Ordinary Council Meeting held 16 August 2021</b>			
148/21	GM	<p><b>Proposed “Tim Fischer Way”</b></p> <p>Council to reinstate investigations into the erection of tourism signage indicating “Tim Fischer Way”.</p>	<p>Currently liaising with Council’s website developer for interactive mapping of “Tim Fischer Way” tourist route to be supported by print media e.g. promotional brochures etc. Proposal did not meet the criteria for white on brown tourist signs and this criterion has recently been made more restrictive.</p>
<b>Ordinary Council Meeting held 19 April 2021</b>			
63/21	GM	<p><b>Residential Development – Lockhart</b></p> <ol style="list-style-type: none"> <li>1) That Council proceed with the subdivision of Lots 62 and 90 Prichard Place Lockhart as outlined in the report.</li> <li>2) That the cost of subdividing the land be funded from the Infrastructure Reserve with the proceeds of any land sales to be returned to the Reserve.</li> </ol>	<p>The development application for Lot 62 (westernmost lot) has been approved. The application for Lot 90 has now also been approved.</p> <p>Road and sewer designs being finalised.</p>



*Lockhart Shire Council  
Ordinary Meeting – 15 July 2024*

Minute No:	Officer to Action	Council Resolution	Action Taken
<b>Ordinary Council Meeting held 20 May 2024 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DE	<p><b>Cr Sharp: Grading Works, Wide Lane</b></p> <p>Has received positive comments regarding grading works carried out on Wide Lane and has also received requests for “Dry Weather Only” signs to be placed at each end of this road to minimise damage in wet weather.</p>	Works programmed.
	GM	<p><b>Cr Hunter: Mr Ross Edwards OAM</b></p> <p>Advised that former councillor and president of the Henty Machinery Field Days committee, Mr Ross Edwards, has been awarded membership of the Order of Australia (OAM) in the recent King’s Birthday Honours, and suggested Council should recognise this achievement in some way.</p>	Letter sent. Complete.
<b>Ordinary Council Meeting held 20 May 2024 – Councillor Questions &amp; Statements</b>			
Questions & Statements	GM	<p><b>Cr Mathews: Empty Shops, Green Street</b></p> <p>Suggested Council could consider subsidising rent to encourage businesses to take up tenancies.</p>	Council’s investment Attraction Incentives Policy would need to be revised.
	GM	<p><b>Cr Mathews: Border Trust</b></p> <p>Advised that he, along with the General Manager and Director of Corporate and Community Services met with Ms Sue Gold, Executive Officer of the Border Trust. Cr Mathews suggested Ms Gold could be invited to address a future meeting of Council and believes membership of the Trust could be advantageous.</p>	Border Trust has been contacted with a view to making arrangements to address the newly elected council in several months’ time.
	DE	<p><b>Cr Rockliff: Pine Log Fence, Pastoral Shadows</b></p> <p>Can this fence be replaced with a lower maintenance option in keeping with the Pastoral Shadows walk?</p>	Currently no allocation to replace the fence in the current budget. Project added to Project wishlist. Complete.
	DE	<p><b>Cr Rockliff: Accident on Urana Lockhart Road</b></p> <p>Attended an accident at the Brookong Creek culverts recently and advised signage is missing and one of the culverts may be damaged.</p>	Repairs completed.
<b>Ordinary Council Meeting held 18 March 2024 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DCCS	<p><b>Cr Driscoll: Umpire and Netball Sheds, The Rock</b></p> <p>Thanked the Director of Corporate &amp; Community Services for the now completed works and asked where works on the netball sheds are up to.</p>	Netball changerooms builder has encountered issues with partitions. Waiting on delivery of replacement partitions. Builder on site, scheduled to complete by end of July.

*Lockhart Shire Council  
Ordinary Meeting – 15 July 2024*

Minute No:	Officer to Action	Council Resolution	Action Taken
<b>Ordinary Council Meeting held 19 February 2024 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DE	<b>Cr Rockliff: Fairy Lights, Lockhart Main Street</b> Asked if the fairy lights in the shopping precinct can be repaired and/or reinstated?	Electrician has been engaged to check and advise.
<b>Ordinary Council Meeting held 18 December 2023 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DE	<b>Cr Rockliff: Drain to Creek, Urana Street, Lockhart</b> Mentioned this drain is overgrown with pine trees etc and requires cleaning out.	Works complete.
<b>Ordinary Council Meeting held 20 November 2023 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DE	<b>Cr Mathews: Councillor Dress</b> Suggested an option somewhere between the blazer and a polo shirt might be appropriate for attending conferences etc.	Held over until commencement of new council in September 2024.
<b>Ordinary Council Meeting held 16 October 2023 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DCCS	<b>Cr Sharp: Pleasant Hills Tennis Courts</b> Asked if there was a timeframe for repairs to the tennis courts to be carried out?	Bottom two courts were completed by 30 June 2024.
<b>Ordinary Council Meeting held 18 September 2023 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DE	<b>Cr Verdon: Lodge Road</b> Advised this road, which provides access to The Rock Cemetery, is deteriorating rapidly and requires attention.	Surfaced prepared for seal. Works to be completed when weather allows.
<b>Ordinary Council Meeting held 21 November 2022 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DCCS	<b>Cr Hunter: Tiled Wall outside The Rock Gym</b> Referred to a problem with tiles on the external wall of The Rock Pool near the gym and asked what was being done to rectify the issue.	Retiling wall has commenced. A further verbal update will be provided at the Council meeting.
<b>Ordinary Council Meeting held 17 October 2022 – Councillor Questions &amp; Statements</b>			
Questions & Statements	DPE/ DCCS	<b>Cr Verdon: Disability Access Across the Shire</b> Referred to Kurt Fearnley's speech at the recent Lockhart Community Bank branch birthday celebrations. The speech was a reminder that people with disabilities are entitled to access. Cr Verdon suggested an audit be carried out, with a view to improving access across the Shire, making sure all Council facilities are accessible to all residents.	Onsite visit completed week of 3 June. Awaiting written report.

**Correspondence Received**

Date sent to Councillors	From	Subject
24 June 2024	Cr Verdon	Mayoral Update
27 June 2024	Executive Assistant	Key Management Personnel Returns
10 July 2024	Australian Red Cross – Lockhart	Invitation to Attend 110 Year Anniversary Celebration

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

**117/24 RESOLVED** on the motion of Crs Marston and Driscoll that the Status Report and Correspondence Précis be received.

## STAFF REPORTS

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

1. **RIVERINA REGIONAL LIBRARY – DEED OF AGREEMENT 2022-2026**

**(GM: 24/8005)**

Executive Summary

The existing Deed of Agreement relating to the Riverina Regional Library (RRL) service for the period 1 July 2022 to 30 June 2026 was executed in accordance with a resolution of Council passed on 20 June 2022.

However, the RRL Advisory Committee has agreed to amend the Deed for the purposes of admitting Berrigan Shire Council as a new member and to provide more clarity in relation to specific clauses in the Deed following the recent dispute with Wagga Wagga City Council (WWCC) and the subsequent arbitration.

Report

Council is a member of the Riverina Regional Library (RRL). The existing Deed of Agreement between member councils covers the period 1 July 2022 to 30 June 2026.

The Deed contains provisions relating to membership, management and administration of the regional library service. The Deed also contains provisions relating to the entry and exiting of parties to the Agreement.

Whilst the current Deed does not expire until 30 June 2026, the agreement has been amended to facilitate the admission of a new member i.e. Berrigan Shire Council.

Council will also be aware that when WWCC ceased to be a member of the library service on 30 June 2022 a dispute arose in relation to how the assets and liabilities should be distributed and, following failed attempts to reconcile the matter, the parties entered into an arbitration process to resolve the dispute.

Whilst the dispute has since been settled, the RRL Advisory Committee sought legal advice on appropriate amendments to the Deed that would remove the loopholes and ambiguity that resulted in differing interpretations and the dispute between WWCC and the remaining member councils. These amendments are also reflected in the revised 2022-2026 Deed.

The RRL Advisory Committee endorsed the revised 2022-2026 Deed for execution by member Councils at an extraordinary meeting held on 19 June 2024.

At that meeting the RRL Advisory Committee has also resolved to investigate alternate models for consideration following the expiration of the current Deed.

Integrated Planning and Reporting Reference

A1: Facilitate and support programs and projects within the community to make them accessible to people with all abilities

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

Legislative Policy & Planning Implications

The Deed is required to be executed under Council's seal. The use of Council's seal is required to be authorised by a resolution of Council.

Budget & Financial Aspects

Council pays an annual membership contribution to the RRL for the provision of library services in the Shire which is provided for in the 2024/25 Budget.

Attachments

The Deed of Agreement will be tabled at the meeting.

**Recommendation:** That authority be granted for the amended Riverina Regional Library 2022-2026 Deed of Agreement to be executed under Council's seal.

**118/24 RESOLVED** on the motion of Crs Mathews and Sharp that authority be granted for the amended Riverina Regional Library 2022-2026 Deed of Agreement to be executive under Council's seal.

## 2. POLICY 1.27 AUSTRALIA DAY AWARDS

**(GM: 24/7391)**

Executive Summary

At the Council meeting held on 20 May 2024 it was resolved that Council approach the schools in the Shire to determine the level of support for the introduction of Student Achiever Awards as part of Council's annual Australia Day Award presentations. A review of Policy 1.27 Australia Day Awards is proposed as a result of the response received from the schools.

Report

Council at its meeting held on 19 December 2022 resolved to endorse a recommendation of its Australia Day Awards Committee that a review of the Australia Day Award criteria and nomination form be undertaken prior to the 2024 nominations being called.

A review was subsequently undertaken, and a new Policy 1.27 Australia Day Awards was adopted by Council in April 2023 after it had been publicly exhibited.

In accordance with the policy, nominations are invited on an annual basis for the following Award categories:

- Australia Day Award
- Sportsperson of the Year
- Young Citizen of the Year
- Citizen of the Year (chosen from among the Australia Day Award nominees)

At the Council meeting held on 20 May 2024 it was resolved that Council approach the schools in the Shire to determine the level of support for the introduction of Student Achiever Awards as part of Council's annual Australia Day Award presentations.

Support for the proposal was subsequently received from three of schools in the Shire. The schools were further consulted on the proposed criteria for the Student Achiever Awards, and it was generally agreed upon that:

*“Schools in the Shire be invited each year to nominate a student for an Australia Day Student Achiever Award that recognises students who:*

- Are developing leadership skills and skills of active citizenship.*
- Have shown either consistent or outstanding qualities of kindness, honesty and/or service to their school community.*
- Have demonstrated community spirit and integrity when participating in sporting, cultural or recreational activities.”*

The focus of the criteria has been placed on volunteering and students’ contribution to the school community, in the same way that the existing Australia Day Awards recognise a resident’s voluntary contribution to the broader community, noting that there are already mechanisms in place for recognising academic achievement. It is noted that Council sponsors the following academic achievement awards which are presented by the Mayor or a Councillor at the respective School’s presentation evening:

- Lockhart central School Year 12 Dux Award
- The Rock central School year 10 Dux Award

The recipients of the school dux awards receive a plaque and \$100 gift card from the Council.

Policy 1.27 Australia Day Awards has been amended to incorporate the abovementioned criteria a copy of which is attached.

There has been discussion at recent Council meetings regarding the presentation of academic achievement awards on Australia Day and this can be included in Council’s Policy if supported by Council.

It has also been proposed at recent meetings that certain other awards be presented on Australia Day when circumstances warrant. The example noted was the level of success achieved last year by several of the Shire’s football/netball teams at senior and junior level. As these circumstances can’t always be anticipated an additional category has been included in the attached draft policy that provides Council with the discretion to present other awards on Australia Day when the Council resolves that the circumstances warrant.

It is Council’s policy to public exhibit draft policies that impact on residents and ratepayers before they are adopted. It is considered that Policy 1.27 is one such policy that should be placed on exhibition and comments invited prior to formally adopting the policy.

#### Integrated Planning and Reporting Reference

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

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

E2: Provide effective community engagement practices with the community.

#### Legislative Policy & Planning Implications

Nil.

#### Budget & Financial Aspects

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

#### Attachments

- Policy 1.27 Australia Day Awards

**Recommendation:** that:

1. Council Policy 1.27 Australia Day Awards, be amended to incorporate the following additional awards:
  - a) Student Achiever Award that recognises students who:

- Are developing leadership skills and skills of active citizenship.
  - Have shown either consistent or outstanding qualities of kindness, honesty and/or service to their school community.
  - Have demonstrated community spirit and integrity when participating in sporting, cultural or recreational activities.
- b) Discretionary Awards
- To be awarded at Council's discretion when the Council resolves that the circumstances warrant.
2. Council determines whether awards for students' academic achievement should also be incorporated into Policy 1.27 Australia Day Awards.
3. The amended Policy 1.27 Australia Day Awards be placed on public exhibition for a period of not less than 28 days and any submissions received be considered prior to adoption of the policy.

**119/24 RESOLVED** on the motion of Crs Driscoll and Sharp that:

1. Council Policy 1.27 Australia Day Awards, be amended to incorporate the following additional awards:
  - a) Student Achiever Award that recognises students who:
    - Are developing leadership skills and skills of active citizenship.
    - Have shown either consistent or outstanding qualities of kindness, honesty and/or service to their school community.
    - Have demonstrated community spirit and integrity when participating in sporting, cultural or recreational activities.
  - b) Discretionary Awards
    - To be awarded at Council's discretion when the Council resolves that the circumstances warrant.
2. That, in addition to presenting a Student Achiever Award in accordance with a) above, Council also acknowledges those students that have excelled academically as determined by the respective schools i.e. school Duxes on Australia Day.
3. The amended Policy 1.27 Australia Day Awards be placed on public exhibition for a period of not less than 28 days and any submissions received be considered prior to adoption of the policy.

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

### **3. NAMING OF 109 GREEN STREET LOCKHART**

**(GM: 24/7402)**

#### Executive Summary

The development of the public open space at 109 Green Street has been completed. As the site is only known by its street address, and bearing in mind that it is a high-profile public space in the main street of Lockhart, it is suggested that consideration be given to a more appropriate name.

#### Report

Council allocated grant funds under the NSW Government's Stronger Country Communities Fund for the development of a public space at 109 Green Street, Lockhart, including the provision of public toilets, after it had acquired the land from GrainCorp specifically for that purpose.

Council also agreed to accept the transfer of a NSW Government grant that had been given to the Lockhart Ex-Servicemen's Club to refurbish the premises occupied by the Lockhart Men's Shed and

owned by the Club. The grant funds were instead used to refurbish a larger shed that was acquired by Council as part of the purchase of 109 Green Street.

The development of the public open space, including new public toilets, paving, installation of seating and lighting, landscaping, sealing of the car park and the installation of a Spirit of the Land sculpture purchased by the Lockhart Community Bank – Bendigo Bank has been completed. The Lockhart Men's Shed has also moved into its new premises.

No funding has been allocated for the refurbishment of the buildings situated either side of the public open space that have also been acquired by Council as priority was given by Council to the provision of public toilets and development of a community space.

As the site is only known by its street address, and bearing in mind that it is a high-profile public space in the main street of Lockhart, it is suggested that consideration be given to a more appropriate name. It is noted that other public spaces in the town have been named after pioneers of the district e.g. Walter Day Park, Wal Alexander Park, Hodgsons Park etc.

Any consideration of a place name for the site should be undertaken in the context of Council's Policy 1.26 Naming of Roads, Bridges, Public Places and Buildings. Attention is drawn to Sections 11 to 14 of the Policy which are reproduced below.

11. *"All applications to name or re-name roads, bridges, parks, reserves and other public spaces as well as buildings in the Lockhart Shire will be considered on their individual merits and having regard to the following general principles:*
  - a) *Names embracing the Shire's heritage and community should be used.*
  - b) *The proposed name should reflect the character, landscape, flora or fauna, or function of the site to be named.*
  - c) *The level of community support for the proposed name.*
  - d) *The chosen name should not duplicate existing names within the Shire and be easy to read, spell and pronounce.*
  - e) *Personal names may be used to commemorate persons (deceased) who have made a significant contribution to the community, or an event or occasion significant to the community or who were pioneers of the area.*
  - f) *The person being honoured by the naming should be of proven character and have either had a direct long-term association with the area or have made a significant contribution to the area.*
12. *Where a name is to be used posthumously, consent will be gained from the surviving partner or immediate family members.*
13. *Where an Aboriginal name is proposed, consent will be obtained from the relevant Aboriginal communities.*
14. *The following names will not be supported:*
  - a) *Names of individuals currently holding public office.*
  - b) *Names of individuals not yet deceased.*
  - c) *Names that are unduly long, complex, difficult to spell or pronounce.*
  - d) *Names that could be construed to be derogatory or offensive.*
  - e) *Names that are incongruous, out of place, or of a commercial nature."*

It is considered that an appropriate way to progress the matter would be to invite naming proposals from the general community for Council's consideration. This could be done through the Council Newsletter, Council website and the Lockhart Shire Community Facebook page.

#### Integrated Planning and Reporting Reference

B1: Manage and improve the appearance of our towns, in line with their desired identities.

B1: Improve the convenience and amenity of our towns.

Legislative Policy & Planning Implications

Council's Policy 1.26 Naming of Roads, Bridges, Public Places and Buildings applies.

Budget & Financial Aspects

Any community consultation process can be undertaken through the Council's Newsletter, Council's website and the Lockhart Shire Community Facebook Page which would have no discernible impact on the Council budget.

Attachments

Nil.

**Recommendation:** That Council invites naming proposals from the general community for the public open space at 109 Green Street Lockhart.

**120/24 RESOLVED** on the motion of Crs Mathews and Sharp that Council invites naming proposals from the general community for the public open space at 109 Green Street, Lockhart.

**4. MANAGEMENT OF COUNCIL'S SWIMMING POOLS**

**(DE: 24/8547)**

Executive Summary

The three-year contracts for management of The Rock and Lockhart swimming pools have ended. Options for the next three years are presented for Council's consideration.

Background

During June 2024 a survey was distributed to the community regarding the operation of Council's swimming pools. Ten (10) responses were received for Lockhart and seven (7) for The Rock. Residents were asked to rank their satisfaction from 1 (very unsatisfied) to 5 (very satisfied). Lockhart respondents ranked their satisfaction an average of 4.2, with scores ranging from 3 – 5. The Rock respondents ranked their satisfaction an average of 3.3 with scores ranging from 1 – 5. The respondents were also asked what types of programs they would like to see added, and what could be done to improve operational aspects. The results are summarised below.

Lockhart	The Rock
<b>Program and activity feedback</b>	<b>Program and activity feedback</b>
More water aerobics x4	Water aerobics
Swimming lessons for various ages	More events with inflatables
Lap swim hours x2	Regular opening of diving board
Water aerobics for the disabled	Open swim squad for all children
Diving classes	More swimming events
Water Polo	Keep lap swim 6-8am
Activities to utilise the basketball area	Learn to swim after school hours x2
Activities to utilise the splash area	More lap swim times
More social nights arranged x2	Swimming Lessons
Reasonable priced water aerobics instructor	
More promotion of facility and activities x2	
An exercise class option for older men	
Further support to Swim Club	
Better/more Facebook notifications for regular or upcoming events x2	



*Lockhart Shire Council  
Ordinary Meeting – 15 July 2024*

Lockhart	The Rock
<b>Operational aspects and accessibility</b>	<b>Operational aspects and accessibility</b>
Heated pool x9	Pool often closed on short/no notice x4
Open Earlier/later - extended opening hours x5	Swipe access to pool for annual membership holders x3
Use a key card system for use/entrance	Extend the season
Open year round/Extend season x7	Swim squad not advertised but people are kicked out of pool for it
Increase early swim to 6-8am	Opening hours – open as advertised
Offer early swim on Saturday	Extend Opening hours on Saturday and Sunday
More tables and seats	Better food options
Accessibility is great x4	Locker rooms not cleaned thoroughly
Attendant often out of sight/in back room	Leaking shower tap
A lift to assist mobility impaired residents	Shower cubicle doors do not shut properly
Keep provision of hot snacks	Price and access is great
Morning swim well attended	Heated pool
Price is great x4	Tiles need to be replaced – exterior
Western lights on both towers and lower light on north tower flickering	Hire people that want to do the job
Water features need repair/maintenance	
Pave under shade structure on Northern side – muddy x2	
Shade covers are mouldy	
Rails are rusting and should be checked/replaced	
Advertise new lessons earlier	
Council staff could run the pool	
Better organisation between classes offered and events that interfere	
Have an option for Winter Membership to help cover the cost of heating at least one of the pools during this time.	
Handrails into pools very hot – unable to use when needed	

Current opening hours of each pool complex are as follows:

<b>The Rock Swimming Pool Operating Hours</b>	
<i>During School Term</i>	<i>Opening Times</i>
Monday to Friday	6am - 8am
	1pm - 7pm
Saturday and Sunday	11am - 7pm
<i>School Holidays</i>	<i>Opening Times</i>
Monday to Friday	6am - 8am
	11am - 7pm
Saturday and Sunday	11am - 7pm
<b>CHRISTMAS &amp; BOXING DAY</b>	<b>CLOSED</b>

<b>Lockhart Swimming Pool Operating Hours</b>	
<i>During School Term</i>	<i>Opening Times</i>
Monday to Friday	6am - 8am
	1pm - 7pm
Saturday and Sunday	11am - 7pm
<i>School Holidays</i>	<i>Opening Times</i>
Monday to Friday	6am - 8am
	11am - 7pm
Saturday and Sunday	11am - 7pm
<b>CHRISTMAS &amp; BOXING DAY</b>	<b>CLOSED</b>

#### Report

Historically, Council has advertised for Expressions of Interest (EOIs) for leases at The Rock and Lockhart swimming pools for a three-year period. Council has stipulated the payment to be made, which was \$48,000 under the previous lease. The lease stipulates the opening times, and requirements for qualified personnel. The lessee is responsible for the canteen and bookings/coaching sessions. Accordingly, Council could call for EOIs for the next three seasons at a fixed rate or could invite proposals from interested parties similar to the Lockhart Caravan Park. Council could also consider directly employing staff to cover the operations of the pool.

When preparing the new lease, the feedback from the community regarding hours and programs could be negotiated with the successful lessee. With regard to heating and access, Council would need to allocate funds (heating is estimated at \$50,000 for pool cover and \$40,000 for a heat pump, per pool; key fob access approximately \$40,000 per pool).

#### Integrated Planning and Reporting Reference

- B1: Our Shire is attractive and welcoming to businesses, industry, residents and visitors.
- D1: Our assets and infrastructure are well planned and managed to meet the demands of the community now and in the future

#### Legislative Policy and Planning Implications

Nil.

#### Budget and Financial Aspects

Nil.

#### Attachments

Nil.

**Recommendation:** that Council calls for proposals from interested parties for a three-year lease to operate Council's swimming pools at The Rock and Lockhart.

**121/24 RESOLVED** on the motion of Crs Driscoll and Mathews that Council calls for proposals from interested parties for a three-year lease to operate Council's swimming pools at The Rock and Lockhart.

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

Nil.

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

### **5. ENGINEERING REPORT**

(DE)

#### Executive Summary

Monthly report on engineering matters.

#### Background Information

#### **Works**

##### Regional Roads

MR370 Albury Road - significant progress in heavy patching to address critical areas.

MR59 Line Marking – line marking works completed for improved road safety and traffic flow.

Various Locations – routine maintenance spot patching ensuring the road surfaces are safe and well-maintained.

##### Local Sealed Roads

Tootool Mittagong Road/Mittagong Yerong Creek Road – ongoing efforts to improve culvert and drainage infrastructure to mitigate flood risks and ensure effective water management.

Various Locations – routine maintenance spot patching on ensuring the road surfaces are safe and well-maintained.

##### Unsealed Roads

Addressing flood damage priority on works identified under the 1001 and 1034 flood events.

List of roads with outstanding works to be completed:

Albert Smiths Rd	Galore Hill Reserve	McRaes Ln
Alf Freemans Ln	Firetrails	McRories Road
Bahrs Rd	Gap Road Access	Mickans Lane
Bakes Ln	German Church Rd	Milbrulong Forest Rd
Bakes West Ln	Greendale Ln	Milbrulong Tip Rd
Barracluffs Rd	Haberechts Ln	Montagues Back Road
Barry Bowyers Ln	Hamsons Ln	Moores Bus Route Rd
Barry Smiths Ln	Hebden Ln	Morgans Lane
Ben Hoffmanns Ln	Hillcrest Ln	Mount Ulva Rd
Bond Ln	Hollies Rd	Noskes Ln
Boyds Rd	Jack Blights Ln	O'Connells Ln
Braithwaites Ln	Jack Mitchells Ln	Old French Park
Bryan Westblade Ln	Jake Matthews Ln	Bullenbung Rd
Carrolls Ln	Jaricks Ln	Pat Gollaschs Ln
Chaplin Ln	Jim Mahedy Ln	Poverty Ln
Clancys Ln	Jim McDonnells Ln	Rawson Park Rd
Commera Wilson Ln	John Alexander Rd	Reads Lane
County Ln	JR Smiths Ln	Richters Ln
Curries Ln	Judds Ln	Robertsons Ln
Days Ln	Kingstons Ln	Rods Rd
Dunleveys Ln	Krauses Ln	Saint Helena Lane
East Carns Ln	Lallarook Ln	Scheuners Ln
Edwards Ln	Lehdeys Ln	Schirmers Lane
Fargunyah Ln	Leitch Ln	Scotts Ln
Farralls Ln	Lieschkes East Rd	Seberrys Ln
Ferndale Boundary Rd	Lieschkes Ln	Seeligers Ln
Forks Ln	Long Park Rd	Shaws Ln
Forest Ln	Lynchs Ln	Shippards Ln
	Maffra Lane	Showground Rd

Sielers Ln  
Slys Ln  
Stolzs Ln  
Stoney Park Rd  
Strongs Ln  
Tenison Ln

Tootool Mittagong Rd  
Tuttys Ln  
Urangeline Creek Rd  
Vennells Lane  
Wandella Lane  
Webbs Lane

Weillys Ln  
Whittys Lane  
Wide Lane  
Willis Ln  
Wrathall School Ln

- Maintenance Grading to be completed as part of the flood damage works.

#### Summary

Council staff and contractors are diligently working on various fronts to enhance road safety and infrastructure reliability. Emphasis is on addressing flood damage, improving drainage systems, and maintaining both local and regional roads through targeted patching, sealing, and routine maintenance.

#### **Parks & Gardens**

- Parks and Gardens staff have completed landscaping at the front of the new RFS building at The Rock
- The Walk of Fame garden in Lockhart has undergone a makeover this week with the addition of fresh mulch and plants in readiness for this week's presentations
- Work continues on The Avenue of Honour project at The Rock
- Winter pruning of native grasses, roses and street trees continues

#### **Drinking Fountains**

Council has received requests for a drinking fountain at The Rock Recreation Ground, Lockhart Recreation Ground and Osborne Recreation Ground. There are currently drinking fountains in Lockhart (x 5), The Rock (x 2), Pleasant Hills and Yerong Creek. Riverina Water provides one bubbler/bottle filling station each financial year to Lockhart Shire.

#### Legislative Policy and Planning Implications

Nil.

#### Integrated Planning and Reporting Reference

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

#### Budget and Financial Aspects

Will be conducted within Council's allocated budget.

#### Attachment

Nil

#### **Recommendation:**

- a) That Council notes the information provided in the Engineering report; and
- b) That Council endorses the installation of a drinking fountain at Osborne Recreation Ground.

**122/24 RESOLVED** on the motion of Crs Hunter and Sharp:

- a) That Council notes the information provided in the Engineering report; and
- b) That Council endorses the installation of a drinking fountain at Osborne Recreation Ground.

## 6. PLANNING AND ENVIRONMENT REPORT

(DPE)

### Executive Summary

Monthly report on priority weeds, environmental matters and development approvals.

### Background Information

#### a) **Biosecurity**

##### WEEDS

##### Property Inspections

Inspections were carried out on residential properties, travelling stock reserves, land managed by Council, and land managed by State government.

The most commonly found weeds were Horehound (*Marrubium vulgare*), Bridal creeper (*Asparagus asparagoides*), Privet (*Ligustrum* sp.), St. John's wort (*Hypericum perforatum*), Sweet briar (*Rosa rubiginosa*), Foxtail fern (*Asparagus densiflorus*), Giant reed (*Arundo donax*), Ground asparagus (*Asparagus aethiopicus*), African boxthorn (*Lycium ferocissimum*), Coolatia grass (*Hyparrhenia hirta*), and Prickly pear (*Opuntia* sp.) respectively.

No. 1 <sup>st</sup> Inspections	No. Re-inspections required	No. 2 <sup>nd</sup> Inspections	No. Biosecurity Undertakings Accepted	No. Biosecurity Directions Issued	No. 3 <sup>rd</sup> Inspections	No. 4 <sup>th</sup> Inspections
116	47	0	0	0	0	0

##### Control Program

Priority has been given to the control of Bridal creeper (*Asparagus asparagoides*), and Horehound (*Marrubium vulgare*) on roadside reserves and council managed land.

Bridal creeper was controlled on Forcks Lane. Horehound was controlled on Spurrells Road and Sielers Lane.

#### c) **Development Approvals:** This report advises of the Development Application Approvals for June 2024.

DA/CDC No.	Development	Site of Development	Applicant	Value
CDC78/24	Inground Swimming Pool	329 McKintys Lane	Narellan Pools	\$ 66,300
DA76/24	Verandah	26 Osborne Street, Lockhart	Lifestyle Patios	\$ 10,000
CDC73/24	Inground Swimming Pool	559 The Rock Mangoplah Road, The Rock	Thomas Flood	\$ 66,409
DA72/24	Relocate/Install manufactured home	22 Finlayson Street, Yerong Creek	Corrie/Carter	\$ 210,000
DA71/24	Farm Shed	254 Lockhart The Rock Road, Milbrulong	Warakirri Asset Management Ltd	\$ 705,040
DA68/24	Swimming Pool	9 Hill Street, The Rock	JulieAnne Day	\$ 59,700
			<b>Total</b>	<b>\$ 1,117,449</b>

### Legislative Policy and Planning Implications

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

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

Integrated Planning and Reporting Reference

C2: Flora and fauna are protected across the Shire.

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

Budget and Financial Aspects

Will be conducted within Council's allocated budget.

Attachments

Nil.

**Recommendation:** That Council notes the information provided in the Planning and Environment report.

**123/24 RESOLVED** on the motion of Crs Hunter and Sharp that Council notes the information provided in the Planning and Environment Report.

**7. DA44/24 –CONSTRUCTION OF FOUR (4), TWO (2) STOREY DWELLINGS – 2 HEBDEN STREET, LOCKHART**

**(DPE: 24/8787)**

Executive Summary

Council have received a Development Application for the construction of four (4), two (2) storey dwellings at 2 Hebden Street, Lockhart. The application was notified on two occasions and multiple submissions were received on both occasions.

Report

A Development Application has been submitted with Council for the construction of four (4), two (2) storey dwellings at 2 Hebden Street, Lockhart. Upon receipt of the application the application was placed on public exhibition, which included notification to landowners in the direct vicinity of the development site. Landowners were provided the opportunity to make a submission regarding the development in accordance with the notification of development controls provided in the *Lockhart Shire Development Control Plan 2016*. Five submissions were initially received and are attached to this report for information.

As a result of the submissions, Council staff contacted the developer to relay the concerns that were raised throughout the submissions. The developer provided a response to these submissions (attached) and provided an amended set of plans for the development. Upon receipt of the response and amended plans the same landowners in the vicinity of the development site that were notified the first time were notified again. Three submissions were received throughout the second notification period and are attached. The table below specifies each matter raised throughout these submissions and a comment from Council staff in relation to the matter.

<b>Submission Matter/Concern</b>	<b>Staff Comments</b>
The development of 4 double-storey dwellings would decrease the value of our property. We believe having (4) 2 storey 3 bedroom units in our area will devalue our property, and have been told that in time the units could be subdivided and sold separately, having to deal with 4 ownerships of the property instead of 1 or 2	The potential to devalue surrounding properties cannot be considered as part of the development assessment. The development site is approximately 2000m <sup>2</sup> and the minimum lot size for the site is 450m <sup>2</sup> . Therefore, the subdivision of the land would be permissible with consent under the Lockhart Local Environmental Plan 2012.

Submission Matter/Concern	Staff Comments
<p>Increase in traffic. Instead of two vehicles for a single home we are looking at possibly 8 cars or more. Our narrow street is not designed to cope with that increase nor is the back lane suitable for such an increase in traffic. Dust will become a problem for all homes backing onto it.</p>	<p>The potential increase in traffic is adequate. The development is for residential use and under the existing provisions the subject site can be subdivided into four separate lots.</p> <p>Options regarding the issue of the potential increase of the back lane are discussed elsewhere in this report.</p>
<p>Parking for increased traffic of visitors at the end of the cul de sac would be a problem. Where do they park? On neighbours nature strip!</p> <p>If four (4) three-bedroom units are built potentially there could be up to 4 vehicles per unit therefore up to 16 vehicles coming and going and needing to be parked, will cause parking out the front of the units and on the street and around the cul de sac. That end of Hebden Street is very narrow much narrower than the western end and the cul de sac a very small turning area. Vehicles coming and going do cause noise and dust in the area which we do not have now.</p>	<p>Two on-site car parking spaces have been provided to cater for each dwelling. This is considered adequate, and any additional visitors would need to park in a suitable on-site location or in a legal, on-street, car parking location as for other visitors to other properties that are located on the street.</p>
<p>Increase in rain run-off on the concrete cross over and the access to the block. We have trouble now with water lying at the end of the street making it difficult for visitors to cross the gutter. The extra runoff, where is the water to go? (we believe there are plans for a second garden mound and drain but these are yet to be constructed by the Council. The mounds in front of our block were completed some years ago on our request.) The concrete crossover access to the block as shown may impact the construction of the mounds on Council land. It would be sad to see the lovely tree on the nature strip removed as it SHOULD become part of a mound the same as the other side making the garden and area balanced.</p>	<p>The access to the block will be required to be installed in accordance with Council's engineering requirements. A concrete crossover would be installed even if the application was for one dwelling.</p> <p>The installation of the cross over will have minimal impacts to the drainage.</p> <p>The removal of the tree is acceptable to allow the access to be installed and the tree removal would likely be required to provide access to the site even if the development was for one dwelling. Council can condition an approval to require the developer to plant a new tree in a suitable location.</p>
<p>Bin Collection. At some point there could be 12 bins on the road awaiting pick up. Back lane access for the pickup would not be feasible so where are they going to be placed? The truck has difficulty turning at the end of the cul de sac now, even if it had to go up their driveway to pick up the bins, it would then have to back up and do a 3-point turn, this would mean considerable inconvenience to the pickup truck. Back lane access for garbage truck should not be allowed. Sealing the back lane would be problematic as others in town would also want to be sealed.</p> <p>When it is the 3-bin week (12 bins), who is going to enforce this for collection our concern is that the bins will be placed out on the road in front of our home, Lorraine does say there could be room to be pick up at the front of the units, again this is stated as could, who is going to enforce this?</p>	<p>The bins will be required to be located at a suitable location on the nature strip adjoining the development site that allows the most efficient emptying of the bins. This would be carried out in consultation with the garbage truck driver.</p> <p>Back lane access for the garbage truck will not be permitted.</p> <p>Sealing the back lane is an option to address the dust issues due to the potential additional traffic. If Council were to require the lane to be sealed this would be at the cost of the developer. If anyone else requested their laneway to be sealed, it would need to be at their cost.</p> <p>Council staff and the garbage contractors can work with the future residents of the units to ensure suitable arrangements are made regarding the locations of the garbage bins for collection.</p>

Submission Matter/Concern	Staff Comments
<p>Development of 4 homes on one block will further decrease the water pressure at the end of Hebden Street. The water pressure at the end of Hebden Street east end is very poor. Even now if the shower or washing machine is being used, we have difficulty getting decent pressure on any other tap in the house. We have had to install water tanks and a pressure system to be able to water our garden effectively. We don't know how they expect to get pressure on the second storey of 4 homes. Assurance may have been made but in reality three extra building connections will affect those of us at the end of Hebden Street.</p> <p>Lorraine states that water tanks will be put onto each unit as the pressure in our area is very poor, however I believe this will not change the water pressure as when the tanks empty out the tanks will be set up with a float to allow town water to top up the tanks, so no benefit to the main pressure issue in fact with 4 tanks it will increase the poor pressure we already have.</p>	<p>Riverina Water has provided the following: "Based on the reticulation supply the lots being 100mm BUPVC there is sufficient volume to supply the development without having a negative impact to existing customers. The issue is the static water pressure from the TWL of the res which sits at 179.9m AHD with Hebden Street sitting at around 157 AHD for 23 metres static head, take out demand and friction loss there would not be great water pressure."</p> <p>The developer was advised by Riverina Water that if the development is approved by Council that it would be in their best interest to install an onsite tank and pump system to assist with the low pressure especially the second storey levels which will be more impacted.</p> <p>Riverina Water recommend the developer to get a pressure and flow test to confirm availability. Council can add a condition on an approval requiring this to be completed prior to the issuing of a Construction Certificate.</p>
<p>We have concerns about the positioning of the development on the block. Homes 1 and 2 seem to be closer to the roadway than other homes in the street and will change the appearance of our street and pleasant end of the cul de sac. This was addressed by the developer. Overcrowding of the area will be even more evident when the Council complete further improvements with the additions of mounds and drains.</p>	<p>Amended plans provide a front setback that is consistent with the other front setbacks in the street.</p>
<p>Drainage. Water running off the cement common area in between the units and the driveway will increase rainwater to collect in the cul de sac, which is already an issue. I have sent an email to the shire last year regarding this issue. When it rains, we cannot walk from the road on to our property as the water lies in the gutters too wide for us to step over.</p> <p>How will Council address extra stormwater which will be directed into East Street and then overflows into Drummond Street? Water also spreads into Drummond Street cul-de-sac and lays there for several days each time it rains. Residents in No's 3, 4 &amp; 5 houses are already unable to cross water if they wish to visit other street residents or walk to shopping centre.</p>	<p>If the development is approved, Council can place a condition on the approval requiring a detailed stormwater management plan to be provided prior to the issuing of a Construction Certificate. As part of the condition Council can require that an onsite detention system be provided to ensure that water is detained on site and released at a rate equivalent to one house being located on the site. The system will capture rainwater that falls on to the property and release it at a slower rate than it would normally do. This system would need to be designed by a suitably qualified engineer.</p>



*Lockhart Shire Council  
Ordinary Meeting – 15 July 2024*

<b>Submission Matter/Concern</b>	<b>Staff Comments</b>
<p>Regarding the back lane access, Lorraine states one option it could be sealed. Who pays for the cost of this and who will maintain the condition of the sealed lane? We have been told by a council staff member that council would not be paying for this. Lorraine states could be sealed so in hindsight it may never happen, increasing the dust up the lane and the deterioration on the lane. If it gets sealed where will all the runoff water from the lane go?</p> <p>The applicant who wishes to construct (4) detached 2 story dwellings at 2-4 Hebden Street, Lockhart has suggested the rear lane access could be sealed to reduce maintenance and pollution. Who would be responsible for maintenance and for the cost of sealing the back lane? Would this then lead to other residents with rear lane access wanting the Council to seal other lanes in Lockhart.</p>	<p>If Council approves the application, Council can place a condition on the approval requiring the laneway to be sealed at the applicant's expense prior to the issuing of an Occupation Certificate for the development. Council would still need to maintain the lane however this would be at a similar cost to the cost to maintain an unsealed laneway. If the laneway is sealed appropriate drainage would also be required to be provided.</p> <p>Another option that Council has is to prohibit the use of the laneway for the development. This could be added as a condition of consent and could include the removal of the proposed access point onto the laneway and a requirement to fully fence the rear boundary.</p> <p>Council can also approve the development as is and have no additional requirements for the laneway.</p>
<p>Units 1 and 3 have windows west facing our front and back yard, while they have placed windows higher on the walls, they have only placed screens on 1 window on the plan in each unit, we still believe people can still look into our yard. If this DA is grant we would like all windows on the western side of the units to be transparent and all windows to have a screen over them</p>	<p>This is noted and if approved Council can place a condition of consent requiring that the subject windows are provided with translucent glass and appropriate privacy screening. It is noted some of the subject windows are also high set which also provides a level of privacy that would be considered acceptable.</p>
<p>Lorraine also states that she is aiming to rent these units to professional people, however if the units are empty with no professional people to rent to, I am sure Lorraine will look into renting to other people, again I am not against the building of units, but we are against the (4) 3-bedroom 2 storey units, bring it back to 2 single storey units.</p>	<p>Noted and Council cannot control who the units will be rented out to, and this is not a relevant planning consideration.</p>
<p>We requested for a shadow plan which we got 1 from the east and 1 from the west, we are not sure what time of the year this shadow plan is, we believe we are entitled to a 4- season shadow plan as the sun rises in the east in different location especially winter to summer.</p>	<p>The developer has since submitted additional shadow diagrams which have been attached to this report. The shadow diagrams identify that there will be minimal shadowing to adjoining land and this is considered to be acceptable.</p>
<p>With 2 units directly on our eastern fence line and only 2.5 metres from the fence and both have their alfresco areas there, we could potentially have 2 parties happening at the same time within ears shot of our yard, if there was 1 unit the alfresco is more likely to be at the back.</p>	<p>The proposed locations of the alfresco areas are compliant with the Development Control Plan setback controls and noise restrictions would need to be adhered to as is the case in any residential setting.</p>
<p>As we back out of our driveway the proposed driveway to the units is not visible for a car driving out, these cars can be driving forward and they would be able to see me but I cannot see them, again potentially 10 – 16 vehicles.</p>	<p>It is considered that there is adequate site distance for the driveway to the development and appropriate care would need to be taken by anyone to ensure that there are no traffic collisions.</p>
<p>Large windows in upper storey units No.3 &amp; No.4, overlook south neighbours back yard, alfresco of house and into back shed when doors are open – privacy issue not addressed with small windows or privacy screens over windows.</p>	<p>Noted and if the development is approved Council can insert a condition requiring the subject windows to be high set or for privacy screens to be provided.</p>

<b>Submission Matter/Concern</b>	<b>Staff Comments</b>
Present local residents will need to increase security due to lack of privacy.	This is subjective and Council staff believe that the proposed development is unlikely to increase security requirements for local residents.
When we bought the double block, we were told by our local solicitor that we were unable to subdivide the block for two houses to be built on it. How then, can the owner of 2-4 Hebden Street build four x 2 story units on her double block?	The Lockhart Local Environmental Plan 2012 allows for allotments in the subject area of the RU5 Village zone to be subdivided into a minimum of 450m <sup>2</sup> allotments. The subject site is approximately 2000m <sup>2</sup> and therefore could be subdivided into four separate allotments with a dwelling located on each allotment.
We bought our block with the understanding that only single storey housing would be built on surrounding housing blocks.	The <i>Lockhart Local Environmental Plan 2012</i> and the <i>Lockhart Shire Development Control Plan 2016</i> do not have any clauses that prohibit the construction of two storey housing on the subject property.  The <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> allows for a maximum height for a dwelling house of 8.5m above ground level (existing). It is noted that the subject development is not assessed against this State Policy, but this just highlights that the State Policy permits this size dwelling on the subject RU5 zoned land.

Further to the above, the developer has provided a response to the second round of submissions and the response is attached to the report.

The proposed development is permissible with consent under the *Lockhart Local Environmental Plan 2012* and complies with the relevant clauses and controls listed in the *Lockhart Local Environmental Plan 2012* and *Lockhart Shire Development Control Plan 2016*. For more detailed information regarding compliance with the applicable clauses and controls please refer to the attached 4.15 Assessment report.

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

Environmental Planning & Assessment Act 1979

Lockhart Local Environmental Plan 2012

Lockhart Shire Development Control Plan 2016

Budget & Financial Aspects

Nil.

Attachments – Provided as a Separate Document

1. Site Plan
2. Landscaping Plan
3. Elevation Plans
4. Shadow Diagrams
5. Collated submissions for first notification
6. Developer response letter for first notification submissions
7. Collated submissions for second notification

- 8. Developer response letter for second notification submissions
- 9. Section 4.15 Assessment

**Recommendation:** That Council approves Development Application 44/24 for the construction of four (4), two (2) storey dwellings at 2 Hebden Street Lockhart, subject to conditions as outlined in the attached Section 4.15 Assessment Report.

**124/24 RESOLVED** on the motion of Crs Driscoll and Sharp that Council approves Development Application 44/24 for the construction of four (4), two-storey dwellings at 2 Hebden Street, Lockhart, subject to conditions as outlined in the attached Section 4.15 Assessment Report.

As required under Section 375A of the Local Government Act, the following is the record of voting for this planning matter.

<b>Councillors For</b>	<b>Councillors Against</b>	<b>Councillors Absent</b>
Driscoll Hunter Marston Mathews Sharp Verdon	Day	Rockliff Walker

**8. PLANNING PROPOSAL FOR EXISTING R5 LARGE LOT RESIDENTIAL LAND AT SOUTH LOCKHART**

**(DPE: 24/8901)**

Executive Summary

Habitat Planning on behalf of Lockhart Shire Council has submitted a Planning Proposal for the reduction of allotment sizes for the existing zoned R5 Large Lot residential land located in South Lockhart. This Planning Proposal is part of the Lockhart Local Environmental Plan 2012 review and aligns with the recommendations of the Lockhart Shire Local Housing and Employment Strategy that was previously endorsed by Council. Council needs to consider whether to submit the Planning Proposal to the Department of Planning, Housing and Infrastructure (the Department) for a Gateway Determination.

Report

The Planning Proposal seeks to amend the minimum lot size for the land zoned R5 Large Lot Residential Zone, Lockhart South, bounded by East Street to the East, Federal Street and road reserve to the North, Treasure Street to the West and road reserve to the South.) from 2 hectares to 7,500m<sup>2</sup>.



Figure 1: Location of the Planning Proposal subject site.

The Planning Proposal provides an analysis of the physical and strategic planning constraints and opportunities and considers the relevant environmental, social and economic impacts of the proposal and its strategic merit.

The Planning Proposal has strategic merit and is in the public interest for the following reasons:

- The proposal directly facilitates the recommendations outlined within Section 7 of the Lockhart Local Housing and Employment Strategy (February 2023).
- The resultant development/redevelopment of the land will not create any unacceptable environmental or social impacts.
- The proposed amendment will encourage the orderly development and availability of residential land in Lockhart.

The Planning Proposal process is generally split up into six stages and the below table provides a summary of the Planning Proposal process. At this stage, Council is up to Stage number two and are seeking to obtain a Gateway Determination from the Department.

Stage 1- Pre-Lodgement	A scoping proposal was provided to the Department and advice was received in relation to the proposal in order to proceed with the Planning Proposal.
Stage 2 – Planning Proposal	The Planning Proposal has been lodged on the NSW Planning Portal, and Council needs to consider whether to support or not support the proposal. If supported, the application will be referred to the Department for Gateway Determination.

Stage 3 – Gateway Determination	<p>The Gateway Determination is a key assessment point for the planning proposal and is undertaken by the Department. The Department will review the strategic and site-specific merit of a proposal and determine whether the planning proposal should proceed. The Gateway Determination is a checkpoint in the process to ensure that planning proposals without strategic merit are stopped before resources are committed.</p> <p>The Gateway Determination is undertaken by the Department. Even if Council has supported the proposal and sent it to the Department for the Gateway Determination, the Department may choose not to support the proposal. This is beyond the control of Council.</p>
Stage 4 – Post Gateway	<p>This stage enables a review of the Planning Proposal and to action conditions of the Gateway Determination prior to public exhibition. Once these requirements have been met, the updated Planning Proposal will be reviewed by the Department. If the Department is happy with the outcomes, the Planning Proposal will progress to public exhibition.</p>
Stage 5 – Public Exhibition and Assessment	<p>Community participation and public exhibition is integral in the LEP making process. Consultation gives the community and government agencies a say on the merits of proposals prior to any final decision being made.</p> <p>Once exhibition is completed, the Planning Proposal is evaluated, assessed and comments and concerns are addressed as appropriate. Based on this evaluation, a determination whether the LEP should be made in accordance with the planning proposal will be made.</p>
Stage 6 – Finalisation	<p>This is the last stage in the Planning Proposal process and generally leads to the making of the LEP amendments, unless the proposal is not supported.</p> <p>If supported, by the end of this stage, the updated LEP will be made, notified and come into effect for the subject property. From the point of notification, the updated controls will apply to the property.</p>

Integrated Planning and Reporting Reference

- C1: Our environmental practices are sustainable
- C2: Flora and fauna are protected across the Shire
- C3: Our open space and natural environment are protected for future generations
- D2: Our Planning and development controls work to attract new residents and investment.

Budget and Financial Aspects

Budget allocations have been made for the LEP review.

Attachment

- Planning Proposal, Amendment to Lockhart Local Environmental Plan 2012 Minimum Lot Size Amendment, prepared by Habitat Planning – provided separately.

**Recommendation:** That Council:

- a. Endorses the Planning Proposal and forward it to the Minister for Planning seeking an Amendment to the Lockhart Local Environmental Plan 2012 and request that a Gateway Determination be issued, including the delegation of Plan making powers, so as to enable the public exhibition of the Planning Proposal pursuant to the Environmental Planning & Assessment Act 1979;
- b. Upon receipt of a Gateway Determination under Section 56 of the Environmental Planning & Assessment Act 1979, places the Planning Proposal and any supporting material on public exhibition pursuant to any requirements of the Gateway Determination and Section 57 of the Environmental Planning & Assessment Act 1979; and
- c. Subject to the conditions of the Gateway Determination, undertakes those actions necessary to address outstanding matters.

**125/24 RESOLVED** on the motion of Crs Mathews and Sharp that Council:

- a. Endorses the Planning Proposal and forward it to the Minister for Planning seeking an Amendment to the Lockhart Local Environmental Plan 2012 and request that a Gateway Determination be issued, including the delegation of Plan making powers, so as to enable the public exhibition of the Planning Proposal pursuant to the Environmental Planning & Assessment Act 1979;
- b. Upon receipt of a Gateway Determination under Section 56 of the Environmental Planning & Assessment Act 1979, places the Planning Proposal and any supporting material on public exhibition pursuant to any requirements of the Gateway Determination and Section 57 of the Environmental Planning & Assessment Act 1979; and
- c. Subject to the conditions of the Gateway Determination, undertakes those actions necessary to address outstanding matters.

As required under Section 375A of the Local Government Act, the following is the record of voting for this planning matter.

<b>Councillors For</b>	<b>Councillors Against</b>	<b>Councillors Absent</b>
Day Driscoll Hunter Marston Mathews Sharp Verdon		Rockliff Walker

## STRATEGIC DIRECTION E: Strong Leadership and Governance

### 9. INVESTMENT AND BANK BALANCES REPORT – 30 JUNE 2024

(DCCS: 24/9019)

#### Executive Summary

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

#### Report

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

#### Cash at Bank

<b>Opening Combined Cashbook Balance</b>			1,026,051.07
Add: Total Receipts			
	Miscellaneous		19,046.31
	Rates		92,733.00
	Debtors		51,035.75
	Interest on Investments		98,625.73
	Caravan Park Takings		13,063.50
	Return of Investment - NAB		1,000,000.00
	Return of Investment - Macq Bank		1,000,000.00
	Rockoosh CCS & Inclusion Support Payments		2,522.56
	Development / Planning Applications		20,067.51
	Rockoosh Payments		2,095.66
	BAS Refund - May 2024		59,186.00
	StateCover		7,138.55
	Roads to Recovery		981,694.00
	Advanced FAGs 2024-25		4,198,647.00
	Tip Fees		2,080.00
	Sale - 14 Harry Davies Drive - Lockhart		55,399.78
	FBT Refund		19,457.70
	Transport NSW TRLS		4,000.00
			7,626,793.05
Less: Total Payments			3,106,802.04
	New Investments	0	
<b>Closing Combined Cashbook Balance</b>			<b><u>5,546,042.08</u></b>
<b>Closing Bank Statement Balance</b>			
	Bendigo Bank		5,417,136.13
	Macquarie Bank		96,997.43
	Bendigo Bank-Prichard Trust		31,902.52
			5,546,036.08
Add: Outstanding Deposits			35.00
			5,546,071.08
Less: Outstanding Cheques			29.00
<b>Closing Combined Cashbook Balance</b>			<b><u>5,546,042.08</u></b>

Investments:	Interest Rate per Annum	Amount Invested	% of Total
Bank of Queensland	4.90	700,000.00	10.35
Bendigo Bank	4.74	1,000,000.00	14.78
Bendigo Bank	4.79	500,000.00	7.39
Beyond Bank	5.10	500,000.00	7.39
Commonwealth Bank	4.75	500,000.00	7.39
IMB	4.80	500,000.00	7.39
Macquarie Bank	4.78	1,000,000.00	14.78
National Australia Bank	5.00	500,000.00	7.39
National Australia Bank	5.00	500,000.00	7.39
National Australia Bank	5.00	500,000.00	7.39
National Australia Bank	5.00	500,000.00	7.39
Bendigo Bank	at call	66,072.20	0.98
		<b>6,766,072.20</b>	100.00

	AMOUNT
General Fund	1490-3000-0000 3,039,718.22
Combined Sewerage	8490-3000-0000 2,474,421.34
Trust Fund	9991-3000-0000 31,902.52
	<b>5,546,042.08</b>
<b>TOTAL FUNDS HELD ARE:</b>	<b><u>12,312,114.28</u></b>

Integrated Planning and Reporting Reference

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

Legislative Policy and Planning Implications

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

Budget and Financial Aspects

Council's 2023/24 Operational Budget has forecast a total of \$401,000 income from interest on investments for General Fund & Sewer Fund combined. For the 12 months to June 2024, the average end of month balance of funds invested has been \$11.33 million and the average return on invested funds has been 4.89%. Council's budgeted income on investments was achieved for the General Fund and Sewer Fund.

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 June 2024 Investment and Bank Balances Report be received and noted.
- b) That the Responsible Accounting Officer Statement be noted, and the report be adopted.

**126/24 RESOLVED** on the motion of Crs Driscoll and Mathews:

- a) That the June 2024 Investment and Bank Balances Report be received and noted.
- b) That the Responsible Accounting Officer Statement be noted, and the report be adopted.

**10. DELIVERY PLAN 2022-2025 PROGRESS REPORT**

**(GM: 24/6843)**

Executive Summary

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

Report

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

The 2022-2025 Delivery Plan was adopted by the newly elected Council on 19 April 2022 (minute no. 85/22) for the period 1 July 2022 to 30 June 2025. This is the final six-monthly progress report for the Delivery Plan for the current Council term which ends on 14 September 2024.

Whilst this six-monthly report relates to the period 1 January to 30 June 2024, the strategies and actions which are being pursued relate to the Delivery Plan for the period 1 July 2022 to 30 June 2025. A new Delivery Plan will have to be prepared and adopted by the new Council following the September 2024 local government elections.



Whilst some strategies and actions have been marked as achieved or complete, particularly as far as the current financial year is concerned, the nature of the strategy or action is such that it is continuous or ongoing.

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

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

Budget & Financial Aspects

Not applicable.

Attachment

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

**Recommendation:** That the report on the progress of the 2022-2025 Delivery Plan for the period 1 January to 30 June 2024 be received and noted.

**127/24 RESOLVED** on the motion of Crs Driscoll and Sharp that the report on the progress of the 2022-2025 Delivery Plan for the period 1 January to 30 June 2024 be received and noted.

## 11. 2024 LOCAL GOVERNMENT ELECTIONS UPDATE – REGULATED PERIOD

**(GM: 24/7999)**

Executive Summary

An update is provided in relation to the forthcoming Local Government Elections, particularly with respect to the rules, restrictions and other considerations that apply to the way councillors exercise their functions in the lead up to the election.

Report

The Office of Local Government (OLG) has issued a Pre-election Guide that provides comprehensive guidance to councils on key tasks that need to be completed prior to the 2024 Local Government elections.

For instance the Guide provides information on the caretaker period leading up to the elections, which was tabled at the last Council meeting, as well as information regarding delegating some of the mayoral functions for the period when the council will not have a mayor i.e. between election day and the first meeting after the election when the mayoral election is held, which will be the subject of a report to the next Council meeting.

The purpose of this report is to remind councillors of the rules, restrictions and other considerations that apply to the decisions councils make and the way councillors exercise their functions in the lead up to the election and specifically during the "regulated period" which starts when the electoral rolls close 40 days before election day i.e. on 5 August 2024.

The relevant information contained in the OLG Pre-election Guide is summarised below.

### **Use of council resources for election purposes**

Council resources (including council information) are public resources and must be used ethically, effectively, efficiently, and carefully.

The rules governing the use of council resources for election purposes are prescribed under the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct) and councils' adopted codes of conduct. There are two key obligations:

1. Clause 8.17: This provides that council resources (including council staff), property or facilities must not be used for the purpose of assisting anyone's election campaign unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property, or facility.
2. Clause 8.18: This provides that council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material must not be used for the purpose of assisting anyone's election campaign.

For the purposes of clauses 8.17 and 8.18:

- council "resources" include council ICT (including phones, social media sites, email addresses), intellectual property, staff and council facilities
- council resources including intellectual property should not be used by candidates in such a way to suggest they are supported or endorsed by the council
- the prohibition on the use of council resources does not only apply to each councillor's election campaign – it also applies to the election campaigns of other candidates
- it is permissible to use council facilities but on the same terms as all other candidates including the payment of any advertised fee for use
- breaches by councillors and staff are grounds for disciplinary action.

#### **Attendance at community events**

Mayors and councillors will continue to need to exercise their official functions in the lead up to the election. This is both permissible and appropriate.

Mayors or councillors who are candidates may continue to attend or preside over council-arranged or community events in the lead up to the election in an official capacity.

However, mayors or councillors who are candidates must not use council arranged events that they attend in an official capacity to actively campaign for re-election.

#### **Media comment**

There is nothing to prevent the mayor or councillors who are candidates from offering media comment, provided that comment is not made in an advertisement, newspaper column, or a radio or television broadcast paid for by the council or produced by the council or with council resources.

When making media and any other public comment, mayors and councillors should continue to comply with the Council's adopted media policy.

#### **Council publications during the "regulated period"**

To keep elections fair, and ensure voters are not misled, there are strict rules about the information that candidates and their supporters can publish or distribute.

These rules are prescribed under the *Local Government (General) Regulation 2021* (the Regulation) and are enforced by the relevant election manager.

These rules apply during what is known as the "regulated period". The "regulated period" starts when the electoral rolls close 40 days before election day and ends on election day.

The key requirement is that all "electoral material" published or distributed during the "regulated period" must contain the name and address of the person who authorised the material and the name and address of the printer.

This is an important electoral integrity measure which is designed to ensure electors can verify the bona fides of electoral material that is printed, published, distributed, or publicly displayed for campaigning purposes during the "regulated period".

The key definitions are contained in clause 356A of the Regulation.

*“Electoral material” is defined very broadly under the Regulation. It means anything, including without limitation a ‘how-to-vote’ card, poster, or advertisement, containing “electoral matter” (whether in a tangible or an electronic form).”*

“Electoral matter” is in turn defined to include:

*“Any matter that is intended or calculated or likely to affect or is capable of affecting the result of any election held or to be held or that is intended or calculated or likely to influence or is capable of influencing an elector in relation to the casting of his or her vote at any election, or*

*“The name of a candidate at any election, the name of the party of any such candidate, the name or address of the committee rooms of any such candidate or party, the photograph of any such candidate, and any drawing or printed matter that purports to depict any such candidate or to be a likeness or representation of any such candidate.”*

Councils need to be aware that their publications may contain “electoral matter” and may therefore be inadvertently captured within the definition of “electoral material”.

Whether a council publication constitutes “electoral material” is an assessment that needs to be made by each council on a case-by-case basis.

A council publication that makes no reference to the mayor or councillors who are candidates and does not carry their images or statements will not constitute “electoral material” if it is not intended or likely to affect voting at the election.

However, council publications that promote the achievements of the council may potentially have this effect and therefore may constitute “electoral material” even if they do not carry the images or statements of the mayor or councillors.

#### Integrated Planning and Reporting Reference

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

#### Legislative Policy & Planning Implications

The rules governing the use of council resources for election purposes are prescribed under the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct) and councils’ adopted codes of conduct.

Relevant provisions relating to “electoral matter” and the regulated period are contained in the Local Government (General) Regulation 2021 and are also contained in a Pre-election Guide issued by OLG.

The “regulated period” starts when the electoral rolls close 40 days before election day (5 August 2024) and ends on election day (14 September 2024).

#### Budget & Financial Aspects

Provision has been made in the 2024/25 draft Budget for the conduct of the council elections based on an estimate to be provided by the NSWEC.

#### Attachments

Nil.

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

<b>128/24 RESOLVED</b> on the motion of Crs Hunter and Mathews that the information be noted.
---

## 12. POLICY REVIEWS

(GM: 24/7388)

### Executive Summary

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

### Report

At its meeting held on 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 now due for review in accordance with the scheduled three-year cycle referred to in Policy No. 1.0:

1. Policy 2.50 Low Pressure Sewer Systems
2. Policy 2.52 Stormwater and Drainage

No significant changes have been made to the policies.

### Integrated Planning and Reporting Reference

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

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

### Legislative Policy & Planning Implications

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

### Budget & Financial Aspects

Nil.

### Attachments

1. Policy 2.50 Low Pressure Sewer Systems
2. Policy 2.52 Stormwater and Drainage

**Recommendation:** That the following policies, as presented, be adopted:

1. Policy 2.50 Low Pressure Sewer Systems
2. Policy 2.52 Stormwater and Drainage

**129/24 RESOLVED** on the motion of Crs Marston and Mathews that the following policies, as presented, be adopted:

1. Policy 2.50 Low Pressure Sewer Systems
2. Policy 2.52 Stormwater and Drainage

## QUESTIONS AND STATEMENTS

### Cr Marston

- i) **Back Lanes, The Rock:** Cr Marston acknowledged that work has been completed on some back lanes in The Rock and asked if there were any plans to complete works on the remaining lanes.

Response – Director of Engineering

The Director asked Cr Marston to submit a list of lanes requiring maintenance so the works can be programmed.

- ii) **Parking, Opp. The Rock Central School:** Cr Marston asked if any works in this area were planned to coincide with the current school holiday period.

Response – Director of Engineering

The Director advised he has spoken to the contractor regarding this matter.

### Cr Driscoll

- i) **Riverina Water:** Cr Driscoll asked for advice from the Mayor, in his capacity as a former delegate to Riverina Water, regarding the Flowerpot Hill reservoir project and the delay of this project to 2029/30. Cr Driscoll asked if this would inhibit development in The Rock and stated that current available water pressure is inhibiting development of the Bowling Club as there is not enough pressure for required firefighting equipment.

Response – Director of Engineering

The Director advised the project will not impact the ability to continue development in The Rock. It will have an impact on available pressure. Riverina Water are providing the required service to residential developments in The Rock. Council can make formal enquiries of Riverina Water.

- ii) **Community Emergency Response Team (CERT):** Cr Driscoll referred to the CERT as mentioned in recent media, and advised there are a number of people in The Rock who are very keen to be involved. Cr Driscoll asked where the matter is up to and if there is any information that can be passed on to interested individuals.

Response – General Manager

The General Manager advised this matter is being driven by the local State member, Dr Joe McGirr MP, and the emergency services. It is understood a community consultation process is being planned by NSW Ambulance.

### Cr Mathews

- i) **Veterinary Services:** Cr Mathews advise he has been in discussion with someone who might be interested in providing veterinary services in Lockhart, if suitable premises can be located. Cr Mathews further advised he has also been in discussions with the RSPCA regarding the designation of a desexing service, particularly to assist with the problem cat population. Cr Mathews asked if 97 Green Street would be suitable.

Response – General Manager

The General Manager advised that some investigation will be required to determine if 97 Green Street is a suitable premises for the service. The Director of Planning & Environment advised a development application will be required for a change of use.

- ii) **Councillor Portfolios:** Cr Mathews advised he has found that some councils use a councillor portfolio system. Toowoomba Regional Council is one such council where councillors take on particular areas to be responsible for. Cr Mathews asked if the General Manager has had any feedback from NSW councils using a similar system.

Response – General Manager

The General Manager advised he has not had any personal experience of portfolios but is aware of the system. From the General Manager's very brief research, there seems to be a number of councils in Queensland and Victoria using the portfolio system, but it appears only one in NSW. There is no template for the make-up of portfolios, so there would need to be very clear guidelines and delegations when setting them up. The Code of Conduct would also need to be considered, particularly regarding councillor/staff interactions.

The Mayor suggested it should be a decision for the new Council and would require quite a bit of discussion.

- iii) **Brookong Creek:** Cr Mathews asked if Council needs to wait for grant funding to be available before sections of Brookong Creek can be cleaned up, as there are poplars and other plants growing in the creek which might cause water to back up.

Response – General Manager

The General Manager advised that he is aware the Environmental Officer is approaching NSW Fisheries regarding permits to allow works to be completed, as any work done in the waterway without permits would incur large fines.

**Cr Sharp**

- i) **Henty Pleasant Hills Road:** Cr Sharp drew attention to a section of road approaching Henty where the road surface has deteriorated and needs repairs.

Response – Director of Engineering

The Director advised he would programme any required repairs.

**Cr Hunter**

- i) **Status Report:** Cr Hunter asked how items are kept on the Status Report for completion and referred to a previous query regarding roads in the east of the Shire which require works.

Response – Mayor

The Mayor stated that, with regard to that particular matter, that a prioritised list of those roads will be forthcoming and allow a report to be brought back to Council.

- ii) **Council's Swimming Pools:** Cr Hunter asked if Council could possibly utilise previous contractors to promote the management contract for Council's pools to prospective operators, perhaps via social media?

**Cr Day**

- i) **Waste Management Costs:** Cr Day stated she believes that Council officers continue to consider the potential hardships to residents, caused by increases to fees and charges.

**Cr Verdon**

- i) **General Manager:** The Mayor offered his congratulations and thanks to the General Manager for his efforts and mentorship during his seven years with Council. The Mayor wished Peter every success for his future endeavours.

The General Manager responded to the Mayor's thanks.

The Director of Engineering thanked Councillor Day for the email he received today.

## CLOSED SESSION

Nil.

The meeting concluded at 6.40pm.

The minutes of the meeting held on Monday, 15 July 2024, were confirmed as a true and accurate record at the Ordinary Council Meeting held on 19 August 2024, at which time the signature was hereunto subscribed.

\_\_\_\_\_  
CHAIRPERSON