



BUSINESS PAPER
of the
Ordinary Meeting
to be Held
21 October 2024

**Our Values: Leadership • Integrity • Progressiveness • Commitment •
Accountability • Adaptability**

The Prayer

We humbly beseech Thee to vouchsafe Thy blessings on this Council.
Direct and prosper our deliberations to the glory and welfare of the people
of this Shire and throughout our country.

Amen

Acknowledgement of Country

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

Statement of Ethical Obligations

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

Oath or Affirmation of Office

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

Webcasting of Council Meetings

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

ORDER OF BUSINESS

OPENING WITH A PRAYER

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OATH OR AFFIRMATION FOR COUNCILLORS

Executive Summary

Section 233A of the Local Government Act requires councillors to take either an oath or an affirmation of office at or before the first meeting of the council after the councillor is elected.

Report

Each councillor is required to take either an oath or an affirmation of office in the following form:

Oath

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

Affirmation

“I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Lockhart Shire and the Lockhart Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.”

A councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with this section is not entitled to attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected to the office or a meeting at which the councillor takes the oath or makes the affirmation) until the councillor has taken the oath or made the affirmation.

Any absence of a councillor from an ordinary meeting of the council that the councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the council.

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

The general manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation (whether in the minutes of the council meeting or otherwise).

Budget & Financial Aspects

Nil.

Attachment

Nil.

Recommendation: That the names of those Councillors completing the oath or affirmation be recorded in the minutes.

ELECTION OF MAYOR AND DEPUTY MAYOR

(GM: 24/10608)

Executive Summary

Section 225 of the Local Government Act 1993 states that an area must have a mayor who is elected in accordance with the Act. In accordance with section 230 of the Act a mayor elected by the councillors (as opposed to a mayor that is popularly elected) holds the office of mayor for two years.

Councils that elect their mayor must hold a mayoral election within three (3) weeks of the declaration of the ordinary election.

The councillors may also elect a person from among their number to be the deputy mayor. The person may be elected for the mayoral term or a shorter term.

The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.

Report

Pursuant to section 226 of the Local Government Act the role of the mayor is to:

- a) Be the leader of the council and a leader in the local community,
- b) Advance community cohesion and promote civic awareness,
- c) Be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- d) Exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- e) Preside at meetings of the council,
- f) Ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- g) Ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- h) Promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- i) Promote partnerships between the council and key stakeholders,
- j) Advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- k) In conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- l) Carry out the civic and ceremonial functions of the mayoral office,
- m) Represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- n) In consultation with the councillors, to lead performance appraisals of the general manager,
- o) Exercise any other functions of the council that the council determines.

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

- a) The General Manager (or a person appointed by the General Manager) is the returning officer.
- b) A councillor may be nominated without notice for election as mayor or deputy mayor.

- c) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- d) The nomination is to be delivered or sent to the returning officer. *(This can occur prior to or at the Council meeting at which the election will be held. Forms for this purpose have been circulated to all Councillors.)*
- e) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.
- f) If only one councillor is nominated, that councillor is elected.
- g) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- h) The election is to be held at the council meeting at which the council resolves on the method of voting.

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

In the case of an “ordinary ballot” and “open voting”, if there are only two (2) candidates, the candidate with the higher number of votes is elected. If there are three or more candidates, the candidate with the lowest number of votes is excluded and a further vote is taken of the remaining candidates.

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

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

Councils that elect their mayor must hold a mayoral election within three (3) weeks of the declaration of the ordinary election.

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

Budget & Financial Aspects

The allowance payable to the mayor has previously been determined by Council and provided for in the 2024/25 Operational Plan Budget.

Attachments

Blank nomination forms have been provided to Councillors via email.

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

APOLOGIES

CONFIRMATION OF MINUTES OF THE ORDINARY MEETING 19 AUGUST 2024

DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS

MAYORAL MINUTE

Nil.

REPORT ON MAYORAL & COUNCILLOR ACTIVITIES

To be presented at the meeting.

URGENT MATTERS

Nil.

NOTICES OF MOTION

Nil.

COMMITTEE REPORTS

Nil.

DELEGATES' REPORTS

STATUS REPORT/PRÉCIS OF CORRESPONDENCE ISSUED

Status Report: Council Resolutions and Tasks to be finalised.

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 19 August 2024			
142/24	GM	<p>Policy Reviews</p> <p>that:</p> <ol style="list-style-type: none"> 1. Policy 2.45 Stock Movement and Grazing, be place on public exhibition for a period of not less than 28 days and any submissions received be considered prior to adopting the policy. 2. Policy 3.31 Health and Wellbeing, as presented, be adopted. 	<p>Policy 2.45 placed on Council's website for public exhibition.</p> <p>The adoption of Policy 2.45 is on hold whilst further information is sought from Local Land Services on Council's jurisdiction in this matter.</p>
141/24	GM	<p>Local Government Elections Update and Delegations</p> <p>That Council delegates the mayoral functions in accordance with Section 226 (a) (b) (h) (i) (l) and (m) listed below, to the General Manager, with the delegation to remain in force until such time as a mayoral election is held by the newly elected council:</p> <ul style="list-style-type: none"> • <i>“to be the leader of the council and a leader in the local community</i> • <i>to advance community cohesion and promote civic awareness</i> • <i>to be the spokesperson of the governing body, including representing the views of the council as to its local priorities</i> • <i>to promote the effective and consistent implementation of the strategic plans, programs and policies of the council</i> • <i>to promote partnerships between the council and key stakeholders</i> • <i>to carry out the civic and ceremonial functions of the mayoral office</i> • <i>to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level.”</i> 	<p>Mayoral election to be held at meeting on 21 October 2024.</p> <p>Complete.</p>
136/24	DCCS	<p>Request for Financial Assistance – Explorers Rifle Club</p> <p>That Council contributes an amount of \$500 towards the Explorers Rifle Club Annual Shooting Competition and that the contribution be funded from the 2024/25 budget allocation for Section 356 contributions.</p>	<p>Donation made – Cr Mathews represented Council at award presentation.</p> <p>Complete.</p>

*Lockhart Shire Council
Ordinary Meeting – 21 October 2024*

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 17 June 2024			
125/24	DPE	<p>Planning Proposal for Existing R5 Large Lot Residential Land at South Lockhart</p> <p>Council:</p> <p>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;</p> <p>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</p> <p>c. Subject to the conditions of the Gateway Determination, undertakes those actions necessary to address outstanding matters.</p>	Council has received the Gateway Determination from the Dept of Planning and is working to satisfy the conditions prior to going on public exhibition.
121/24	DE	<p>Management of Council's Swimming Pools</p> <p>That Council calls for proposals from interested parties for a three-year lease to operate Council's swimming pools at The Rock and Lockhart.</p>	Advertisements have been placed. Completed.
120/24	GM	<p>Naming of 109 Green Street, Lockhart</p> <p>That Council invites naming proposals from the general community for the public open space at 109 Green Street, Lockhart.</p>	Proposals invited up to 23 August 2024. Report to be included in November 2024 Business Paper.
118/24	GM	<p>Riverina Regional Library – Deed of Agreement 2022-2026</p> <p>That authority be granted for the amended Riverina Regional Library 2022-2026 Deed of Agreement to be executed under Council's seal.</p>	Riverina Regional Library will forward the Deed of Agreement for execution in the near future. Signed. Complete.
Ordinary Council Meeting held 17 June 2024			
107/24	DCCS	<p>Lockhart Long Day Care Services</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>	Resolution 107/24 approved funding of modifications. Dept of Education Asset Management Unit have put the scope of works out to tender. Verbal update to be provided.

*Lockhart Shire Council
Ordinary Meeting – 21 October 2024*

Minute No:	Officer to Action	Council Resolution	Action Taken
106/24	GM	<p>Lockhart Shire Audit, Risk and Improvement Committee - Appointment of Independent Chair and Independent Member</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. Staff Report 6 refers. Complete.</p> <p>4) Charter amended. Complete.</p>
Ordinary Council Meeting held 15 April 2024			
65/24	GM	<p>Housing Initiatives and Opportunities for Council</p> <p>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.</p> <p>2. A development application be prepared for the construction of a single dwelling house on 65 Nicholas Street, The Rock for staff accommodation.</p> <p>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.</p> <p>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.</p>	<p>1. Plans to support a DA to be prepared.</p> <p>2. Plans to support a DA to be prepared.</p> <p>3. Approach made to TfNSW, awaiting a response.</p> <p>4. Enquiries have been made and the selling agent has confirmed that no investigation has been undertaken with respect to contamination on the land.</p>
57/24	DE	<p>Brookong Creek Masterplan</p> <p>That Council implements the improvements that form part of the Brookong Creek Masterplan and are outlined in this report, utilising the grant funding received under Round 5 of the Stronger Country Communities Fund.</p>	<p>Landscaping works have commenced, including stormwater drainage and site preparation. New water meter has been installed and new electricity meter installation is imminent.</p>

*Lockhart Shire Council
Ordinary Meeting – 21 October 2024*

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 18 September 2023			
163/23	GM	<p>Magnolia Lodge and Youth Flats</p> <p>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</p> <p>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.</p>	<p>1) Concept plans have been prepared and forwarded to the NSW Land and Housing Corporation for feedback.</p> <p>2) Complete.</p>
Ordinary Council Meeting held 13 February 2023			
26/23	GM	<p>Proposed Acquisition of Land</p> <p>That, subject to obtaining the landowner's consent, Council authorises the General Manager to prepare and submit a development application for the development of a car park on the land situated at Lot 2 DP1196082.</p>	<p>Determination of the DA has been referred to a neighbouring council in accordance with Policy 2.58 Conflicts of Interest – Council Related Developments.</p>
9/23	GM/DE	<p>Disaster Recovery Funding Arrangements</p> <p>In accordance with the outcome of the Councillor Workshop held earlier in the day, Council nominates the following projects for funding under the Local Government Recovery Grants Program:</p> <ol style="list-style-type: none"> 1. Emily Street, The Rock – drainage improvements 2. Cole Street, Yerong Creek – drainage improvements 3. Green Street West, Lockhart – drainage improvements 4. Flood Detour Road – culvert installation 5. Waste Mgt Facilities Access Roads 6. Community information initiative (social media) 7. Access Road – Golf Club 	<p>Projects have been approved. Project status will be distributed to Councillors via grant funding project list.</p> <p>Complete.</p>
Ordinary Council Meeting held 18 July 2022			
141/22	GM	<p>Request for Council to Purchase Private Access</p> <p>Council agrees to the request in principle subject to Council and the applicants agreeing to a reasonable cost sharing arrangement.</p>	<p>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>

Lockhart Shire Council
Ordinary Meeting – 21 October 2024

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 16 August 2021			
148/21	GM	Proposed “Tim Fischer Way” Council to reinstate investigations into the erection of tourism signage indicating “Tim Fischer Way”.	Complete. - https://www.visitlockhartshire.com.au/tim-fischer-way/
Ordinary Council Meeting held 19 August 2024 – Councillor Questions & Statements			
Questions & Statements	DCCS	Cr Mathews: Sale of Land for Unpaid Rates Referred to a recent newspaper report of other councils selling properties for unpaid rates and asked if that was a possibility in Lockhart Shire.	A review of properties with unpaid rates and eligibility for potential sale is currently being conducted.
	GM	Cr Mathews: Lockhart Progress Association Advised that the Progress Association has raised concerns that there is no signage directing people to Lockhart, particularly brown/white tourist signs, on the Sturt and Olympic Highways and asked if this could this be investigated.	The TEDO is working directly with the Lockhart Progress Association and this matter is on the agenda for the next Tourism & Economic Development Steering Committee meeting for consideration.
	DE	Cr Driscoll: Road Damage, near Piggery, Pleasant Hills Has received reports that traffic numbers have caused deterioration of Dick Knobels Road, Semmlers Road and Robertsons Lane, in the vicinity of the piggery. Feedlotting of sheep is happening in that area, which is leading to increased traffic. Cr Driscoll asked if Council could investigate, including whether the owners of that business could be requested to contribute to the road repairs as was included in the development approval?	Development approval only permits travel on Semmlers Road. Will be referred to Compliance Officer for action. Upgrades to road infrastructure triggered when development expands to Stage 2. Complete.
Ordinary Council Meeting held 15 July 2024 – Councillor Questions & Statements			
Questions & Statements	DE	Cr Marston: Back Lanes, The Rock 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.	Director Engineering requested Cr Marston to provide list of back lanes being referred to.
Ordinary Council Meeting held 20 May 2024 – Councillor Questions & Statements			
Questions & Statements	DE	Cr Sharp: Grading Works, Wide Lane 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.	Complete.

Lockhart Shire Council
Ordinary Meeting – 21 October 2024

Minute No:	Officer to Action	Council Resolution	Action Taken
Ordinary Council Meeting held 20 May 2024 – Councillor Questions & Statements			
Questions & Statements	GM	Cr Mathews: Border Trust 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.	Border Trust has been contacted with a view to making arrangements to address the newly elected council in several months' time.
Ordinary Council Meeting held 19 February 2024 – Councillor Questions & Statements			
Questions & Statements	DE	Cr Rockliff: Fairy Lights, Lockhart Main Street Asked if the fairy lights in the shopping precinct can be repaired and/or reinstated?	Fairy lights west of lamp posts not able to be repaired and need replacing. Quotes being sourced.
Ordinary Council Meeting held 20 November 2023 – Councillor Questions & Statements			
Questions & Statements	DE	Cr Mathews: Councillor Dress 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.
Ordinary Council Meeting held 16 October 2023 – Councillor Questions & Statements			
Questions & Statements	DCCS	Cr Sharp: Pleasant Hills Tennis Courts 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. Top two courts require excavation and levelling work. Drainage and sub-base being prepared.
Ordinary Council Meeting held 18 September 2023 – Councillor Questions & Statements			
Questions & Statements	DE	Cr Verdon: Lodge Road Advised this road, which provides access to The Rock Cemetery, is deteriorating rapidly and requires attention.	Complete.
Ordinary Council Meeting held 21 November 2022 – Councillor Questions & Statements			
Questions & Statements	DCCS	Cr Hunter: Tiled Wall outside The Rock Gym Referred to a problem with tiles on the external wall of The Rock Pool near the gym and asked what was being done to rectify the issue.	Retiling wall has commenced. A further verbal update will be provided at the Council meeting. Quotes for tiling being sourced.

Correspondence Received

Date sent to Councillors	From	Subject
3 October 2024	Executive Assistant	Invitation – Spirit of the Land Festival Award Presentation
11 October 2024	General Manager	Councillor Update

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

STAFF REPORTS

STRATEGIC DIRECTION A: A Connected and Resilient Community

1. AUSTRALIA DAY AWARDS 2024

(GM: 24/11871)

Executive Summary

The purpose of this report is to outline the arrangements for the 2024 Australia Day celebrations and the Australia Day Awards nomination process.

Report

Australia Day 2024 will be celebrated on Sunday, 26 January 2025.

In recent years the Council's Australia Day celebrations have been held at:

- 2024 The Rock Recreation Ground
- 2023 Lockhart Swimming Pool (hosted by the Lockhart Football & Netball Club)
- 2022 Pleasant Hills Recreation Ground
- 2021 Yerong Creek Public Hall
- 2020 The Rock Swimming Pool (hosted by The Rock Recreation Ground Management Committee)
- 2019 Lockhart Swimming Pool (hosted by the Lockhart Football & Netball Club)

The Rock Recreation Ground Management Committee hosted the 2024 Australia Day event. It is suggested that expressions of interest from community groups will be sought via the newsletter and Facebook.

Council provides a subsidy to the host organisation of \$3,500 to put on the event which also provides a fundraising opportunity for the organisation.

It is proposed that nominations be invited for the following categories by the closing date of 29 November 2024:

1. Citizen of the Year
2. Young Citizen of the Year
3. Sportsperson of the Year
4. Australia Day Award
5. School Achiever Award
6. Discretionary Awards

A notice will be placed in Council's October and November Community Newsletter, posted on Council's website and the Lockhart Community Facebook page as well as placed in numerous shop windows in the Shire.

It has been Council's practice to appoint an Australia Day Awards Committee to consider the nominations received and make recommendations to Council. Last year the Awards Committee comprised Councillors Day, Hunter, Sharp and Walker.

Integrated Planning and Reporting Reference

A1: We value spending time with each other and want more opportunities to come together

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

Legislative Policy & Planning Implications

Nil.

Budget & Financial Aspects

Provision has been made in Council's 2024/25 Operational Plan Budget for the hosting of the 2025 Australia Day celebrations and Awards ceremony.

Attachments

Nil.

Recommendation: That Council:

1. Advertises in the Council Newsletter and on social media for a host committee for the 2025 Australia Day celebrations; and
2. Determines the composition of the Australia Day Awards Committee for the 2025 Awards.

STRATEGIC DIRECTION B: A Dynamic and Prosperous Economy

Nil.

STRATEGIC DIRECTION C: An Environment that is Respected and Protected

Nil.

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

2. ENGINEERING REPORT

(DE)

Executive Summary

Monthly report on engineering matters.

Report

Council is awaiting announcement of successful projects for the Community Energy Upgrades Fund.

Council issued contracts for the Lockhart Pool to Mr Cory Grice, and The Rock Pool to Mr Luke Mazzochi.

Pools are on schedule to open late October subject to suitable weather conditions.

Staff have been busy with Lockhart Picnic Races and Spirit of the Land preparation and clean-up. Street sweeper attended early October.

The Local Emergency Management Committee Meeting was held in Lockhart on 11 October.

Councils Road Safety Officer arranged Load Restraint Training for staff.

Oncall roster has been developed. Any after hours emergencies should be referred to 0427 205 305 which can be accessed by 69 205 305.

a) Works

Regional Roads

- **Ongoing - Various Locations:** Continuation of routine spot patching to maintain road surface safety and quality.
- **Programmed Works**
 - MR370 Lockhart Kywong Road – Line marking
 - MR370 Albury and MR59 Lockhart Collingullie Road - Heavy Patching

Local Sealed Roads

- **Completed – Tootool Mittagong Road / Yerong Creek Road:** Drainage and pavement works have been completed.
- **Ongoing - Various Locations:** Routine maintenance and spot patching continue to ensure the safety and integrity of the local road network.
- **Programmed Works**
 - Matthews Street: Kerb and gutter pavement work near the Post Office.
 - Green Street: Footpath upgrade.

Local Unsealed Roads

- **Completed Resheeting Works:** Resheeting completed on Gilmores Lane (0-2 km).
- **Ongoing Flood Recovery Efforts:** Continued focus on repairing flood damage from the 1001 and 1034 flood events, with work prioritised in critical areas to restore access and road safety.
- **Programmed Works**
 - Resheet Geddes Lane (1.24 km - 2.42 km)
 - Resheet Bulloc Hill Road (3.9 km - 5.6 km)

Summary

Progress continues across both sealed and unsealed road networks, with major drainage and pavement works completed, alongside ongoing routine maintenance. Flood recovery efforts remain a priority, focussing on resheeting and critical repair work in affected areas. As we approach the summer months, typically our preferred period for road building due to drier conditions, we anticipate working in conjunction with the harvest period. Residents should expect some delays as we balance road improvements with maintaining access to silos. The Council remains committed to enhancing road safety and infrastructure resilience while minimising disruptions to agricultural activities.

b) Parks & Gardens

Parks and Gardens staff have been extremely busy in recent weeks as the growing season kicks into gear and staff shortages play their part as well.

Both The Rock and Lockhart pools have been getting regular attention as we endeavour to present them to new contractors in a pristine condition, this includes not only the upkeep of grounds and facilities, but also water quality checks and the regular addition of chemicals etc.

The Lockhart Picnic races, and the Spirit of the Land Festival have added considerably to our workload, and I commend staff for their efforts in presenting Lockhart as well as they have.

Staff will now shift their attention towards preparing our towns for the Christmas holiday period with mowing and general gardening practices playing a major role.

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.

Attachments

Nil.

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

3. 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 properties which had an extensive history of priority weeds.

The most commonly found weeds were Bridal creeper (*Asparagus asparagoides*), Horehound (*Marrubium vulgare*), Privet (*Ligustrum* sp.), St. John's wort (*Hypericum perforatum*), Coolatai grass (*Hyparrhenia hirta*), Sweet briar (*Rosa rubiginosa*), Green cestrum (*Cestrum parqui*), Ground asparagus (*Asparagus aethiopicus*), Prickly pear (*Opuntia* sp.), Wild radish (*Raphanus raphanistrum*), and Giant reed (*Arundo donax*) respectively.

Lockhart Shire Council
Ordinary Meeting – 21 October 2024

No. of 1 st Inspections	No. of Re-inspections required	No. of 2 nd Inspections	No. of Biosecurity Undertakings Accepted	No. of Biosecurity Directions Issued	No. of 3 rd Inspections	No. of 4 th Inspections
6	6	8	0	0	0	0

Control Program

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

Bridal creeper was controlled at The Rock Waste Facility, on Western Road and on McKintys Lane.

Horehound was controlled at The Rock Waste Facility, and on Lockhart Collingullie Road and County Boundary Road.

St. Barnaby's thistle (*Centaurea solstitialis*) was controlled at The Rock Waste Facility.

Historic Spinifex spiny burrgrass (*Cenchrus spinifex*) sites were sprayed for safe measure, on Western Road, Urana Lockhart Road and County Boundary Road. No spinifex spiny burrgrass plants were identified.

DrumMUSTER

The September drumMUSTER collection event occurred at Lockhart on Tuesday, 10 September at which 5314 drums were inspected, raising \$1,636.71 for St. Joseph's School. The Rock collection event occurred on Thursday, 12 September. During this event 4224 drums were inspected, raising \$1,182.72 for The Rock Men's Shed.

NSW RFS Fire Hazard Reduction

NSW RFS Fire Hazard Reduction on High Risk Roads occurred on the roadside shoulders of Lockhart Collingullie Road, Lockhart Kywong Road, Wattles Road, Lockhart The Rock Road, Albury Road, Urana Lockhart Road, Yuluma Road, Webbs Lane, Bryan Westblade Road, Lockhart Boree Creek Road, Western Road, Soldier Settlement Road, Bidgeemia Road, County Boundary Road, Pleasant Hills Road, Henty Pleasant Hills Road, Woodend Fiveways Road, Grubben Road, and Bullenbong The Rock Road.

- b) Development Approvals:** This report advises of the Development Application Approvals for August and September 2024.

DA/CDC No.	Development	Site of Development	Applicant	Value
01/25	Conversion of existing garage into secondary dwelling	18 Semmens Road, The Rock	John Burton	\$19,855
03/25	Shed, Carport & Patio	20 Roberts Street, Milbrulong	Remy Chadwick	\$97,857
04/25	Demolition/Removal of Dwelling	3 Urana Street, Lockhart	Lockhart Shire Council	\$20,000
05/25	Demolition/Removal of Dwelling	77 Urana Street, Lockhart	Lockhart Shire Council	\$20,000
07/25	Shed	17 Emily Street, The Rock	Jon Prior	\$18,000
08/25	Dwelling & Subdivision	13 Ryan Street, Pleasant Hills	Yvonne Lee	\$300,000
09/25	Rectify & Repair existing dwelling	91 Urana Street, The Rock	Leonie Lovell	\$18,000
11/25	Dwelling	11 Carson Road, The Rock	Kristy Campbell	\$528,947
			Total	\$1,022,659

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.

STRATEGIC DIRECTION E: Strong Leadership and Governance

4. LOCAL GOVERNMENT COUNTBACK ELECTIONS

(GM: 24/9792)

Executive Summary

NSW councils have the option to fill vacancies by way of a countback election instead of a by-election. To take advantage of this option it is necessary for the Council to pass a resolution at the first ordinary council meeting following the elections on 19 October 2024 confirming that it wishes to have the option to fill vacancies by way of a countback.

Report

Where a casual vacancy occurs on the Council it was, prior to the 2021 local government elections, necessary to conduct a by-election to fill that vacancy. However, councils now have the option to fill vacancies by way of a countback election instead of a by-election.

To take advantage of this option the vacancy will have to occur within 18 months of the previous ordinary election. It will also be necessary for the council to pass a resolution at the first ordinary council meeting following the elections on 19 October 2024 confirming that it wishes to have the option to fill vacancies by way of a countback.

A countback election is used to elect a councillor to fill a single vacancy, where the vacating councillor was elected under the proportional representation method (i.e. where two or more candidates were elected at a local government ordinary election). If there are multiple vacancies, a separate countback election is held for each vacancy.

In the case of a countback election the returning officer contacts all unelected candidates from the local government ordinary election who may still qualify to be elected to the office of councillor. Where the candidate is interested, they must submit a formal application to the returning officer. All candidates who submit and do not withdraw their application, become eligible candidates for the countback election.

The timeline for a countback election is as follows:

- The Electoral Commissioner is notified of a casual vacancy, within seven days of it occurring.
- A returning officer is appointed within 14 days of the notification of the vacancy.
- Casual vacancy notices are issued 2 to 14 days from the appointment of the returning officer.
- Where a candidate is interested, they must submit a formal application to the returning officer. The application period closes after 10 days of the notices being issued.
- The countback is conducted within 14 days of the vacancy notices being issued.
- It may take up to a month for the results to be declared.

A countback election must be completed within 49 days, and applications for candidates to participate is open for 10 days.

If there are no eligible candidates, an attendance by-election must be held. If there is only one eligible candidate, that candidate is elected. If there are multiple eligible candidates, a countback election is conducted. In a countback election, the returning officer:

1. Uses preference data from ballot papers from the previous local government ordinary election.
2. Uses the same proportional representation method used in the original election.
3. Effectively re-runs the election making the vacating councillor ineligible and distributing each of their ballot papers to the next preference on the ballot paper.
4. If a non-eligible candidate would be elected, the election is re-run with that candidate's ballot papers also distributed to their next preference on the ballot paper.
5. The returning officer re-runs the countback until an eligible candidate is elected.

Eligible candidates and the council are then notified of the result.

At a countback election, a sitting councillor cannot be unelected, and non-eligible candidates cannot be elected.

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

Pursuant to section 291 of the Local Government Act a countback election may be used to fill a casual vacancy in the office of a councillor if:

- a) the casual vacancy occurs within 18 months after the date of the last ordinary election of the councillors for the area, and
- b) the council has at its first meeting following that ordinary election of councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.

Section 291 does not apply to a casual vacancy in the office of a councillor if the councillor who vacated office was elected:

- (a) in an election using the optional preferential voting system, or
- (b) in an election without a poll being required to be held.

Budget & Financial Aspects

A countback election is conducted by the NSW Electoral Commission and is more cost effective than an attendance by-election.

Attachments

Nil.

Recommendation: That, pursuant to Section 291 (b) of the Local Government Act 1993, Council declares that in the event of a casual vacancy in the office of councillor occurring within 18 months after the date of the last ordinary election of councillors, such casual vacancy is to be filled by a countback of votes cast at the last election for that office.

5. APPOINTMENT OF DELEGATES/MEMBERS

(GM: 24/12397)

Executive Summary

Council is represented on various internal and external committees and other organisations of which it is a member. Generally, Council's delegates to these committees and organisations are appointed for the term of the Council but can be reviewed by Council at any time.

Report

Following is a table listing the committees and organisations in which Council is represented and the respective Councillor representative prior to the 14 September 2024 election.

A short description of the committees' and organisations' role is also provided.

In some cases, such as where it is a statutory committee or organisation, Council's delegate is determined by the organisation's constitution or by legislation.

COMMITTEE OR ORGANISATION	COUNCIL DELEGATE(S)
Riverina Water	Cr Driscoll
Riverina Eastern Regional Organisation of Councils	Cr Verdon, Cr Rockliff and General Manager
Riverina Joint Organisation	Cr Verdon, Cr Rockliff and General Manager

COMMITTEE OR ORGANISATION	COUNCIL DELEGATE(S)
Riverina Regional Library Advisory Committee	Cr Day, Alternate Cr Sharp
Lockhart Local Emergency Management Committee	Cr Marston, Director Engineering
Regional Emergency Management Committee	Director Engineering, Cr Marston
Country Mayors Association of NSW	Mayor, alt. Deputy Mayor
Riverina Fire Zone Bush Fire Management Committee	Cr Verdon, Alt. Cr Walker
Riverina Fire Zone – Service Level Agreement Liaison Committee	Cr Verdon, Alt. Cr Walker
Lockhart and The Rock Floodplain Management Committees	Lockhart: Mayor and A Ward Crs The Rock: Mayor and C Ward Crs
Magnolia Lodge Tenancy Advisory Committee	Cr Rockliff and Cr Mathews
Audit, Risk and Improvement Committee	Cr Rockliff
Tourism and Economic Development Steering Committee Terms of Reference state only one councillor representative from each ward.	A Ward – Cr Day and Cr Mathews B Ward – Cr Sharp C Ward – Cr Marston
Lockhart Shire Traffic Committee	Director of Engineering and the Road Safety Officer
Progress Associations	Lockhart – Cr Mathews The Rock – Cr Driscoll
Local Health Advisory Committee	General Manager
Police and Community Consultation Group	Cr Verdon, Cr Walker, General Manager
Murray Darling Association	Mayor Cr Verdon, Cr Driscoll
Section 355 Management Committees	
– Lockhart Recreation Ground	Cr Rockliff
– Lockhart Showground and Racecourse	Cr Day
– Osborne Recreation Ground	Cr Sharp
– The Rock Recreation Ground	Cr Marston
– The Rock Showground and Racecourse	Cr Walker
– Yerong Creek Recreation Ground	Cr Hunter
Community Consultative Committee – Inland Rail	Cr Verdon

Integrated Planning and Reporting Reference

E2: Provide effective community engagement practices with the community.

Legislative Policy & Planning Implications

Nil.

Budget & Financial Aspects

Nil.

Attachments

Nil.

Recommendation: That Council determines its delegates to the respective committees and organisations listed in the report for the ensuing term.

6. LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

(GM: 24/11872)

Executive Summary

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

LGNSW Annual Conference

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

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

This year the Annual Conference will be held from Sunday 17 November to Tuesday 19 November 2024 at the Tamworth Regional Entertainment Centre.

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

As early bird registrations for LGNSW members closed on 25 September 2024, the General Manager registered three (3) attendees for the conference. By completing the conference registrations early, savings of \$1,110 were realised. Therefore, endorsement by Council of the General Manager's actions in completing the conference registrations during the early bird period is sought.

The deadline for councils to provide the names of their voting delegates is Wednesday, 6 November 2024.

Member councils were invited to put forward motions prior to 20 October 2024 to be considered at the Conference, however this was not possible for Lockhart Shire due to the timing of the recent election.

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

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

Budget & Financial Aspects

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

Attachment

Nil.

Recommendation: That Council:

- a) Nominates the Mayor, Cr [INSERT], as its voting delegate for the Annual Conference; and
- b) Endorse the actions of the General Manager in registering the Mayor, General Manager and one other councillor during the early bird registration period to attend the 2024 LGNSW Annual Conference in Tamworth, from 17 to 19 November 2024.

7. INVESTMENT AND BANK BALANCES REPORT – AUGUST AND SEPTEMBER 2024
(DCCS: 24/12734 AND 24/12735)

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.

Lockhart Shire Council
Ordinary Meeting – 21 October 2024

Cash at Bank

August 2024

Opening Combined Cashbook Balance		1,186,284.74
Add: Total Receipts		
	Miscellaneous	7,093.90
	Rates	1,157,779.59
	Debtors	38,532.08
	Interest on Investments	8,844.91
	Caravan Park Takings	14,385.00
	DEFT Transfer to Bendigo Bank	113,000.00
	Rockoosh CCS & Inclusion Support Payments	2,374.33
	Development / Planning Applications	10,978.52
	Rockoosh Payments	3,454.84
	BAS Refund - July 2024	172,717.00
	Tip Fees	3,480.00
	Sale of Plant #2207	35,697.50
	Traffic Facilities, Supp & Block Grant	575,000.00
	Financial Assistance Grant	193,174.00
		2,336,511.67
Less: Total Payments		1,971,120.40
	New Investments	0
Closing Combined Cashbook Balance		<u>1,551,676.01</u>
Closing Bank Statement Balance		
	Bendigo Bank	1,477,306.54
	Macquarie Bank	6,554.95
	Bendigo Bank-Prichard Trust	31,923.79
		1,515,785.28
Add: Outstanding Deposits		<u>36,139.63</u>
		1,551,924.91
Less: Outstanding Cheques		<u>248.90</u>
Closing Combined Cashbook Balance		<u>1,551,676.01</u>

Investments:	Interest Rate per Annum	Amount Invested	% of Total
IMB	4.85	500,000.00	5.87
Macquarie Bank	4.78	1,000,000.00	11.74
National Australia Bank	5.00	500,000.00	5.87
National Australia Bank	5.00	500,000.00	5.87
National Australia Bank	5.00	500,000.00	5.87
Beyond Bank	5.10	500,000.00	5.87
National Australia Bank	5.00	500,000.00	5.87
Bendigo Bank	4.74	1,000,000.00	11.74
Bank of Queensland	4.90	700,000.00	8.22
Bendigo Bank	4.79	500,000.00	5.87
Bendigo Bank	5.10	250,000.00	2.94
Bank of Queensland	5.30	500,000.00	5.87
Bendigo Bank	5.25	1,000,000.00	11.74
National Australia Bank	5.40	500,000.00	5.87
Bendigo	At Call	66,072.20	0.78
		<u>8,516,072.20</u>	100.00

		AMOUNT
General Fund	1490-3000-0000	-1220767.76
Combined Sewerage	8490-3000-0000	2740519.98
Trust Fund	9991-3000-0000	31923.79
		<u>1,551,676.01</u>
TOTAL FUNDS HELD ARE:		<u>10,067,748.21</u>

Lockhart Shire Council
Ordinary Meeting – 21 October 2024

September 2024

Opening Combined Cashbook Balance		1,551,676.01
Add: Total Receipts		
	Miscellaneous	6,075.75
	Rates	317,021.08
	Debtors	80,401.31
	Interest on Investments	72,152.52
	Caravan Park Takings	13,323.50
	Rockoosh CCS & Inclusion Support Payments	1,812.03
	Development / Planning Applications	38,521.10
	Rockoosh Payments	2,942.73
	Tip Fees	3,085.00
	Sale of Plant #1730	129,802.00
	Grant Funding - New Walking Paths	56,575.00
	Incoming Employee LSL	19,338.07
	Redeemed Investment - NAB	500,000.00
	Redeemed Investment - Macquarie	1,000,000.00
		2,249,233.77
Less: Total Payments		2,592,670.51
	New Investments	0
Closing Combined Cashbook Balance		<u>1,208,239.27</u>
Closing Bank Statement Balance		
	Bendigo Bank	1,184,085.03
	Macquarie Bank	19,679.52
	Bendigo Bank-Prichard Trust	31,934.61
		1,235,699.16
Add: Outstanding Deposits		2,867.41
		1,238,566.57
Less: Outstanding Cheques		30,327.30
Closing Combined Cashbook Balance		<u>1,208,239.27</u>

Investments:	Interest Rate per Annum	Amount Invested	% of Total
Bank of Queensland	4.35	500,000.00	6.24
Bank of Queensland	4.90	500,000.00	6.24
Bank of Queensland	4.60	700,000.00	8.73
Bank of Queensland	5.30	500,000.00	6.24
Bendigo Bank	At Call	66,072.20	0.82
Bendigo Bank	5.10	250,000.00	3.12
Bendigo Bank	4.74	1,000,000.00	12.47
Bendigo Bank	5.00	500,000.00	6.24
Bendigo Bank	5.25	1,000,000.00	12.47
Beyond Bank	4.95	500,000.00	6.24
IMB	4.85	500,000.00	6.24
National Australia Bank	4.95	500,000.00	6.24
National Australia Bank	5.00	500,000.00	6.24
National Australia Bank	5.00	500,000.00	6.24
National Australia Bank	5.40	500,000.00	6.24
		<u>8,016,072.20</u>	100.00

		AMOUNT
General Fund	1490-3000-0000	-1623497.96
Combined Sewerage	8490-3000-0000	2799802.62
Trust Fund	9991-3000-0000	31934.61
		<u>1,208,239.27</u>
TOTAL FUNDS HELD ARE:		<u>9,224,311.47</u>

Integrated Planning and Reporting Reference

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

Legislative Policy and Planning Implications

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

Budget and Financial Aspects

August: Council's 2024/25 Operational Budget has forecast a total of \$408,000 income from interest on investments for General Fund & Sewer Fund combined. For the period July to August 2024, the average end of month balance of funds invested has been \$8.5 million and the average return on invested funds has been 5.02%. On these year to date figures, Council's budgeted income on investments will be achieved for the General Fund and Sewer Fund.

September: Council's 2024/25 Operational Budget has forecast a total of \$408,000 income from interest on investments for General Fund & Sewer Fund combined. For the period July to September 2024, the average end of month balance of funds invested has been \$8.35 million and the average return on invested funds has been 5.0%. On these year to date figures, Council's budgeted income on investments will be 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 August and September Investment and Bank Balances Reports be received and noted.
- b) That the Responsible Accounting Officer Statement be noted, and the report be adopted.

8. CHANGE OF MEETING DATE – NOVEMBER 2024

(GM: 24/12707)

Executive Summary

Local Government NSW (LGNSW) is holding its annual conference at Tamworth from Sunday, 17 November to Tuesday, 19 November 2024. Last year, Lockhart Shire Council resolved to nominate up to three councillors to attend the annual conference in addition to the Mayor (voting delegate).

As Council's meeting dates are scheduled for the third Monday of the month, the November meeting is currently planned to be held during the LGNSW Annual Conference, being 18 November.

Report

The 2024 LGNSW Annual Conference is to be held from 17 to 19 November at Tamworth.

According to LGNSW, the Annual Conference is the supreme policy-making body of LGNSW and an opportunity for councillors to come together to share ideas and debate issues that shape the way LGNSW is governed and advocates on behalf of the local government sector.

In the past, Council has been represented by the Mayor, nominated councillor(s) and the General Manager.

Unfortunately, this year the Annual Conference clashes with the Council's November Council meeting.

As the LGNSW Annual Conference is the main policy-making event for the local government sector where issues are debated, and motions put forward for consideration by delegates, the matter is brought to Council's attention in the event that Council wishes to change the date of the November 2024 Council meeting to facilitate being represented at this important industry event.

Integrated Planning and Reporting Reference

- E3: Advocate for the appropriate representation of the needs of the Lockhart Shire community at a state and regional level.
- E3: Continue to lead and advocate on key social and community issues.

Legislative Policy & Planning Implications

Clause 3.1 (c) of Council's Code of Meeting Practice states that "...The scheduled date and time of an ordinary council meeting may be changed by a resolution of council. Notice will be given to the public of any change to the scheduled date of an ordinary council meeting".

Budget & Financial Aspects

Provision has been made for delegates' expenses in the 2024/25 Budget.

Attachments

Nil.

Recommendation: That the date of the November 2024 ordinary Council meeting be changed to 5.00pm on Monday, 25 November 2024 and that notice be given to the public of the change to the scheduled date.

9. POLICY REVIEWS

(GM: 24/12760)

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 1.23 Cyber Security and Information Systems Security
2. Policy 3.3 Bullying and Harassment

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 1.23 Cyber Security and Information Systems Security

2. Policy 3.3 Bullying and Harassment

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

- 1) Policy 1.23 Cyber Security and Information Systems Security
- 2) Policy 3.3 Bullying and Harassment

Staff Report 9: Attachment 1: Policy 1.23 Cyber Security and Information Security

1.23 Cyber Security and Information Systems Security

POLICY TITLE: CYBER SECURITY INFORMATION SYSTEMS SECURITY

FILE REF: SC490

EXPIRY DATE: OCTOBER 2027

OBJECTIVE

Information is an important, valuable asset of Council which must be managed and protected. All information has a value to the Council. However, not all information has an equal value or requires the same level of protection.

The aim of this Policy is to protect information against accidental or malicious disclosure, modification or destruction.

The Policy also establishes policy principles and parameters for the development of procedures to help identify, prevent, mitigate and recover from malicious attacks on Council's electronic information systems that may lead to data theft, unauthorised changes to information systems, fraud, business interruption, reputational damage and other related security risks.

SCOPE

This Policy applies to all Councillors, Staff, and Volunteers of the Council (including system support staff with access to privileged administrative passwords), contractual third parties and agents of the Council with any form of access to Council's electronic information systems.

REFERENCE DOCUMENTS

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

- a) Policy 1.7 Fraud Control Policy
- b) Policy 3.26 Computer, Internet, Email and Social Media Policy
- c) Cyber Security Procedures

INTEGRATED PLANNING AND REPORTING REFERENCE

This Policy, and the Cyber Security Procedures developed in accordance with the Policy, align with the objectives, strategies and actions contained in the Council's 2022-2032 Community Strategic Plan and 2026-2028 Delivery Plan as follows:

- a) Minimise Council's exposure to risk and promote a strong risk management culture within Council.
- b) Ensure appropriate IT systems are in place to support service delivery and accountability requirements.
- c) Maintain and develop a Records Management System that meets the needs of the organisation, the community and legislative requirements.

DEFINITIONS

Cyber security – the practice of defending computers, servers, mobile devices, electronic systems, networks and data from malicious attacks. It's also known as information technology security or electronic information security.

Cyber-attack – an assault launched by cybercriminals using one or more computers against a single or multiple computers or networks. A cyber-attack can maliciously disable computers, steal data, or use a breached computer as a launch point for other attacks.

Information security controls – measures taken to reduce information security risks such as information systems breaches, data theft, and unauthorized changes to digital information or systems.

IP Address – IP stands for Internet Protocol and an IP address is a unique address that identifies a device on the internet or a local network. In essence, IP addresses are the identifier that allows information to be sent between devices on a network. They contain location information and make devices accessible for communication.

The Essential Eight – a series of baseline mitigation strategies taken from the Strategies to Mitigate Cyber Security Incidents recommended for organisations by the Australian Cyber Security Centre (ACSC).

Vulnerability scanning – an assessment that’s performed without access to the network that’s being scanned. External scans target external IP addresses in one’s network, identify vulnerabilities as well as all the ports that can be accessed from the internet.

Multi-factor authentication – when a user must provide two or more pieces of evidence to verify their identity to gain access to an application or digital resource. Multi-factor authentication is used to protect against hackers by ensuring that digital users are who they say they are.

SECURITY VETTING

Any person wanting to access the Lockhart Shire Council’s information systems must be authorised to do so.

Potential new users of the Council’s information systems and assets must be identified, vetted and authorised before being given access to resources appropriate to their role.

Levels and areas of access approved are based on the following classifications:

- a) **Employees** – Employees are employed under the Local Government (NSW) State Award and are required to comply with Council policies and codes. Employees are vetted and given access to information systems appropriate to their role and delegations as part of their induction process. Employees are also trained in the particulars of Council’s information technology (IT) systems relevant to their role. Council’s Handbook for New Employees draws attention to relevant codes and policies including the Code of Conduct and Policy 3.26 Computer, Internet, Email and Social Media.
- b) **Councillors** – Councillors are elected by the Shire’s residents and ratepayers in accordance with the Local Government Act and are required to comply with Council policies and codes relevant to their role or as legislated e.g., Code of Conduct. Councillors are provided with access to Council meeting business papers, including confidential reports, through a secure portal via Council’s website.
- c) **Privileged Users** – Privileged users are those given special access rights to the network to carry out specific maintenance functions and include the Council’s software suppliers, IT contractors and specialists. Their work is to be always carried out under the supervision of the Director of Corporate and Community Services.

CYBER SECURITY PROCEDURES

Cyber Security Procedures will be developed and maintained that, as far as practicable, have regard to the Essential Eight baseline strategies recommended by the ACSC as follows:

Prevention (prevent attacks)

1. Software Protection

Anti-virus software incorporating firewalls and other mechanisms that guard against cyber-attacks are to be installed and maintained on Council’s information systems.

2. Application Control

Only approved applications are to be executed on Council’s IT systems. Under no circumstances are software products not owned by or not legally in possession of the Council to be installed on Council equipment. Software obtained in confidence or under licence must only be used by staff members or authorised agents of the Council in accordance with relevant licence agreements.

Proposals for purchase of software for official Council purposes are to be directed to the Director of Corporate and Community Services.

3. Patch Applications and System Change Management

An important component of cyber security is ensuring that software applications and operating systems remain up to date. Updates are commonly referred to as “patches” and are released by the third-party vendor from whom the application has been purchased.

This is particularly important for Council’s financial and accounting software, Practical Plus, provided by Civica. The Procedures are to ensure that all changes made to Practical Plus are subject to appropriate testing and approval prior to implementation to prevent unauthorised or untested changes that may adversely impact Council’s operations.

4. Email Attachments and Internet Documents

Files opened from an internet location or received as a Microsoft Outlook attachment can have viruses and other harmful content embedded in them.

As a security measure the “automatically download attachments” setting is to be “turned off” and attachments from external emails and documents sourced from the internet are in the first instance to be opened in “Protected View”.

5. Vulnerability Scanning

An external vulnerability scan is an assessment that's performed without access to the network that's being scanned. External scans target external IP addresses in one's network, identify vulnerabilities as well as all the ports that can be accessed from the internet.

Periodic vulnerability scanning is to be performed on Council's externally facing IP Addresses in consultation with Cyber Security NSW.

6. Reports and Alerts

Cyber security is a dynamic and rapidly changing field. In order to remain abreast of developments Council will engage with Cyber Security NSW which provides information, guidance and assistance with cyber security matters including alerts issued in relation to critical vulnerabilities and software releases as well as intelligence briefs in relation to ransomware operators, targeted victims and other emerging trends.

7. Training and Education

Employees can be the first and last line of defence against cyber threats and for this reason having a cyber security training program is vital.

Cyber Security Awareness training is to be provided to all staff with access to Council's electronic information systems and form part of the induction program for new employees.

Mitigation (limit extent of attacks)

1. Restrict administrator and user privileges

Users of Council's electronic information systems will be given privileges and access rights that are commensurate with the tasks they are expected to perform.

When an employee leaves the Council their access to information systems and data is to be suspended at the close of business on the employee's last working day.

A periodic review of access rights will be undertaken to ensure all existing users are authorised to retain access and that the level of access provided to each user is commensurate with the tasks they are expected to perform.

2. Multi-factor authentication

All users must be allocated access rights and permissions to electronic information systems and data that require multi-factor authentication to protect against hackers by ensuring that digital users are who they say they are.

Recovery (recover data and system availability)

1. Back-ups

In order to regain access to electronic data in the event of the loss or unavailability of data processing systems, data back-up procedures will be established and maintained to ensure a daily back-up copy of Council's data is maintained "off-site".

2. Security Incidents

Security incidents are events in which the security of the Council's intellectual property or information assets is actually or potentially compromised.

The Cyber Security Procedures will provide for the investigation of security incidents to determine exactly what occurred, assess the degree of compromise of information, operations or resources, and make recommendations to minimise the possibility of the incident re-occurring.

Significant breaches are to be reported to Cyber Security NSW via report@cyber.nsw.gov.au.

If the breach is of a serious nature involving criminal activity, or compromise of very sensitive information, the incident is to be reported to the Police.

RECORD KEEPING

All records pertaining to system change management and periodic reviews of user access are to be registered in Council's electronic document and records management system, Content Manager 9.

Details of cyber awareness training provided to employees with access to Council's electronic information systems is to be maintained on individual employee files.

A Register is to be maintained containing the dates and times that periodic vulnerability scanning is performed by Cyber Security NSW together with information regarding the results of the scanning and any action taken in response to those results.

A Register of security incidents is to be maintained recording the details of each event and the action taken if any.

MONITORING OF INFORMATION SYSTEMS

On a continuous and ongoing basis Council may carry out computer surveillance of any user at such times of Council's choosing and without further notice to any user in accordance with Policy 3.26 Computer, Internet, Email and Social Media.

Adopted by Council, 21 October 2024
Refer Minute No. ???/24

Adopted by Council 18 October 2021
Refer minute 195/21

Staff Report 9: Attachment 2 – Policy 3.3 Bullying and Harassment

3.3 Bullying and Harassment

POLICY TITLE: BULLYING AND HARASSMENT

FILE REF: SC66

EXPIRY DATE: OCTOBER 2027

OBJECTIVE

Everyone has a right not to be bullied at work. Lockhart Shire Council is committed to providing employees with a work environment which is free of intimidation, threat, offence and humiliation. Lockhart Shire Council will not tolerate any form of bullying and harassment.

This Policy should be read in conjunction with the Model Code of Conduct for local councils in NSW. The Code of Conduct includes provisions regarding general conduct obligations with specific reference to harassment, discrimination and bullying.

POLICY STATEMENTS

Harassment and discrimination

You must not harass or unlawfully discriminate against others or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

For the purposes of this Policy, “harassment” is defined as any form of behaviour towards a person that:

- a) is not wanted by the person
- b) offends, humiliates or intimidates the person, and
- c) creates a hostile environment.

Bullying

You must not engage in bullying behaviour towards others.

For the purposes of this Policy, “bullying behaviour” is defined as any behaviour in which:

- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
- b) the behaviour creates a risk to health and safety.

Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

- a) aggressive, threatening or intimidating conduct
- b) belittling or humiliating comments
- c) spreading malicious rumours
- d) teasing, practical jokes or ‘initiation ceremonies’
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker’s skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

What is not Bullying

Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this Policy. Examples of reasonable management action may include, but are not limited to:

- a) performance management processes

- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

How is Bullying Different to Discrimination?

Discrimination happens when there is adverse action, such as firing or demoting someone, because of a person's characteristics like their race, religion or sex.

Bullying happens when someone in the workplace repeatedly behaves unreasonably towards another person or group of people and causes a risk to health and safety in the workplace. This behaviour doesn't have to be related to the person or group's characteristics and adverse action doesn't have to have happened.

Who is Protected from Bullying in the Workplace

This Policy applies to:

- a) All workers including full-time, part-time, permanent, temporary and casual employees
- b) Contractors or subcontractors
- c) Work experience students
- d) Volunteers

Reporting Bullying and Harassment

If you think bullying or harassment is happening at your work, it should be reported to:

- A supervisor or manager
- A workplace health and safety representative
- The Human Resources/Enterprise Risk Manager

Training and Education

Training in the Code of Conduct, and in relation to bullying and harassment in the workplace, will be mandatory for all new employees and will be incorporated into Council's new employee induction procedures.

Adopted by Council – 21 October 2024

Refer Minute No. ???/24

Adopted by Council – 18 October 2021

Refer Minute No. 194/21

10. RETURNS DISCLOSING INTERESTS OF COUNCILLORS AND DESIGNATED PERSONS
(GM: 24/12850)

Executive Summary

The Register of returns disclosing interests by councillors and designated persons is tabled in accordance with Clause 4.25 of the Code of Conduct.

Report

Pursuant to Clause 4.21 of the Code of Conduct a councillor or designated person must make and lodge with the general manager a return in the form set out in Schedule 2 to the Code, disclosing the councillor's or designated person's interests as specified in Schedule 1 to the Code within 3 months after becoming a councillor or designated person, and 30 June of each year.

Therefore, councillors and designated persons holding that position at 30 June in any year must complete and lodge the disclosure of interest return with the general manager within 3 months after that date, i.e. by 30 September.

For the purposes of lodging a disclosure of interests return the designated persons include the General Manager, Director Engineering and Environmental Services and Director Corporate and Community Services.

Returns required to be lodged with the General Manager must be tabled at the first Council meeting held after the last day for lodgement.

The returns lodged by Councillors and designated persons before the deadline of 30 September 2024 have been recorded in the Register and the Register will be tabled at the meeting in accordance with the Local Government Act.

Integrated Planning and Reporting Reference

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

Legislative Policy & Planning Implications

Clause 4.24 states that the general manager must keep a register of returns disclosing interests that are required to be lodged with the general manager under a code of conduct. Pursuant to Clause 4.25 of the Code, Returns required to be lodged with the general manager must be tabled at a meeting of the council, being the first meeting held after the last day specified by the code for lodgement.

Councillors' and designated persons' returns of interests are prescribed as open access information for local government under Schedule 1 to the *Government Information (Public Access) Regulation 2018*.

Budget & Financial Aspects

Nil.

Attachments

The Register of Disclosure of Interests Returns will be tabled at the meeting.

Recommendation: That the tabling of the Register of Disclosure of Interests Returns be noted.

QUESTIONS AND STATEMENTS

CLOSED SESSION

Agenda

In accordance with the Local Government Act 1993 the following business is considered to be of a kind referred to in subsection 10A(2) of the Act and should be dealt with as part of the meeting closed to the media and public.

11. REQUEST FOR COMPENSATION – VEHICLE CROSSING AT THE ROCK

(DE: 24/11667)

12. TENDER WINNING AND CRUSHING OF GRAVEL 2024-25:01

(DE: 24/12542)