



I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Wednesday, 23 November 2022
Time: 2.00pm
Location: Condobolin Council Chambers

BUSINESS PAPER

Ordinary Council Meeting

23 November 2022

Lachlan Shire –THE HEART OF NSW



Our Vision:

*For the Lachlan Shire to be a resilient community
providing economic and social growth, through
evolving, agricultural, business and mineral activities*

Mission:

*To engage the community, providing and delivering
progressive services whilst implementing a long term
strategic plan leading to the social and economic
benefit of the community*

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1 WEBCASTING

Please note that today's meeting, other than the confidential sessions, are being recorded and will be placed on Council's website. All in attendance should refrain from making defamatory statements. Council takes all care when maintaining privacy, however members of the public gallery and those addressing Council should be aware that you may be recorded.

2 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS**3 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE****4 CONFIRMATION OF MINUTES**

Ordinary Meeting - 26 October 2022

**MINUTES OF LACHLAN SHIRE
ORDINARY COUNCIL MEETING
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS
ON WEDNESDAY, 26 OCTOBER 2022 AT 2:00PM**

PRESENT: Mayor John Medcalf (OAM), Deputy Mayor Paul Phillips, Cr Melissa Blewitt, Cr Dennis Brady, Cr Megan Mortimer, Cr Melissa Rees, Cr Peter Harris (via Zoom), Cr Judith Bartholomew (via Zoom), Cr Elaine Bendall (via Zoom)

IN ATTENDANCE: Greg Tory (General Manager), Karen Pegler (Director - Corporate and Community Services), Jon Shillito (Director - Environment, Tourism and Economic Development), Adrian Milne (Director - Infrastructure Services) and Carolyne Marchant (Minute Taker)

The Chair welcomed those present and declared the meeting open at 2.14pm.

1 WEBCASTING

Statement regarding webcasting was ready by Cr Medcalf.

2 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS

The acknowledgement of Country and Elders was made by Cr Phillips.

3 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

RESOLUTION 2022/272

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That the apology received from Cr Carter be accepted and leave of absence granted.

CARRIED

4 CONFIRMATION OF MINUTES

RESOLUTION 2022/273

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That the minutes of the Ordinary Meeting held on 28 September 2022 be confirmed.

CARRIED

5 MAYORAL MINUTE

5.1 MAYORAL MINUTE - MEETINGS AND FUNCTIONS - OCTOBER

RESOLUTION 2022/274

Moved: Cr Peter Harris
 Seconded: Cr Dennis Brady

That:

1. Mayoral Minute Report No. R22/350 be received and noted.

CARRIED

5.2 MAYORAL MINUTE - FLOODING ACROSS THE SHIRE

RESOLUTION 2022/275

Moved: Cr Dennis Brady
 Seconded: Cr Peter Harris

That:

1. Mayoral Minute Report No. R22/353 be received and noted.

CARRIED

5.3 MAYORAL MINUTE - COUNTRY WOMAN'S ASSOCIATION

RESOLUTION 2022/276

Moved: Deputy Mayor Paul Phillips
 Seconded: Cr Peter Harris

That:

1. Mayoral Minute Report No. R22/354 be received and noted.
2. That Council place a plaque recognising the 100 years of the Condobolin and District CWA organisation in front of the Lachlan Shire Council Chambers.
3. That the cost of installing the plaque, estimated to be \$1,000, be charge to Council’s special events donations budget which has a balance of \$22,355.

CARRIED

6 PUBLIC FORUM

Nil

7 DISCLOSURE OF INTEREST

Cr Blewitt declared a Non-Pecuniary Less Than Significant interest in Item 9.3.1 Building Project Monthly Update for October/November as her brother-in-law manages Willow Bend Sports Centre.

8 READ AND NOTE**8.1 INVESTMENTS AS AT 30 SEPTEMBER 2022****RESOLUTION 2022/277**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The Director Corporate and Community Services Report No. R22/322 be received and noted.

CARRIED**8.2 ACTIVE RESOLUTIONS - OCTOBER****RESOLUTION 2022/278**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Megan Mortimer

That:

1. The General Manager's report no. R22/328 be received and noted.

CARRIED**8.3 ANNUAL REPORT FROM ARTS OUTWEST****RESOLUTION 2022/279**

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That

1. The Director of Environment, Tourism and Economic Development Report No. R22/333 be received and noted.

CARRIED**8.4 ELECTRICAL ASSET DEFECTS****RESOLUTION 2022/280**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That

1. The Director Infrastructure Services Report R22/337 be received and noted

CARRIED

Council requested that a letter be sent to local members, Minister for Local Government, Office of Local Government etc advising of the electrical defect notices being issued by Essential Energy to Council and the increasing costs.

RESOLUTION 2022/281

Moved: Cr Megan Mortimer

Seconded: Deputy Mayor Paul Phillips

That the recommendations included in the business paper to receive and note the following items be adopted:

- 8.5 Disclosure of Interest Returns – 2021/2022
- 8.6 FY22/23 Urban Works Monthly Update for September
- 8.7 Central West Councils Environment and Waterways Alliance
- 8.8 FY22/23 Utilities Monthly Update for September
- 8.9 2022 WHS Self-Audit Results

CARRIED

Cr Rees joined the meeting at 2.44pm.

8.10 FY22/23 ROADWORKS MONTHLY UPDATE FOR SEPTEMBER**RESOLUTION 2022/282**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Infrastructure Services Report No R22/345 be received and noted.

CARRIED**8.11 DELIVERY PROGRAM AND OPERATIONAL PLAN PROGRESS REPORT AS AT 30 JUNE 2022****RESOLUTION 2022/283**

Moved: Cr Peter Harris

Seconded: Cr Judith Bartholomew

That:

1. The General Manager's Report no R22/352 be received and noted.

CARRIED

9 DECISION REPORTS**9.1 GENERAL MANAGER**

Nil

9.2 CORPORATE AND COMMUNITY SERVICES**9.2.1 DONATIONS****RESOLUTION 2022/284**

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That:

1. The Director of Corporate and Community Services Report No. R22/321 be received and noted.
2. Council provide a donation of \$500 to Tottenham Christmas Tree Committee for their annual Christmas event.
3. Read and note Lake Cargelligo Fitness Centre - September 2022 monthly report.
4. Read and note: Tottenham Welfare Council income and expenses statement.

CARRIED**9.2.2 UPDATES TO BUDGET 2022-2023: REVOTES AND ADDITIONAL GRANT FUNDED PROJECTS****RESOLUTION 2022/285**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The Director Corporate & Community Services Report No. R22/323 be received and noted.
2. The transfers from Reserves as noted in the "Revotes" as presented, be adopted.
3. The 2022-2023 Amended Budget be adopted to include revotes, carry forwards and additional grant funded projects not included in the original Annual 2022-2023 Budget.

CARRIED**9.3 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT**

Cr Blewitt declared a Non-Pecuniary Less Than Significant interest in Item 9.3.1 Building Project Monthly Update for October/November as her brother-in-law manages Willow Bend Sports Centre.

9.3.1 BUILDING PROJECT MONTHLY UPDATE FOR OCTOBER/NOVEMBER**RESOLUTION 2022/286**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/325 be received and noted.

CARRIED

9.3.2 DEVELOPMENT DATA SEPTEMBER 2022**RESOLUTION 2022/287**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Megan Mortimer

That

1. The Director Environment, Tourism and Economic Development Report No. R22/334 be received and noted.

CARRIED

9.3.3 DRAFT MID-LACHLAN REGIONAL ECONOMIC DEVELOPMENT STRATEGY**RESOLUTION 2022/288**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Environment, Tourism and Economic Development Report No. R22/348 be received and noted.
2. The Director of Environment, Tourism and Economic Development prepare and lodge a submission to the Draft Mid-Lachlan Regional Economic Development Strategy, which includes the matters outlined within this report.

CARRIED

9.4 INFRASTRUCTURE SERVICES**9.4.1 SIGNS AS REMOTE SUPERVISION POLICY UPDATE****RESOLUTION 2022/289**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That

1. The Director Infrastructure Services Report R22/311 be received and noted.
2. The Signs as Remote Supervision Policy be adopted as presented.

CARRIED

10 DEPUTATIONS

Nil

11 NOTICES OF MOTION

Nil

12 NOTICES OF RESCISSION

Nil

13 DELEGATES REPORT**13.1 CENTRAL NSW JOINT ORGANISATION BOARD MEETING - OCTOBER 2022****RESOLUTION 2022/290**

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That:

1. The Mayor's report No. R22/356 on the Central NSW Joint Organisation Board meeting held on 12 October 2022 and 13 October 2022 be received and noted.
2. Council provide feedback to the Joint Organisation on its draft Statement of Strategic Regional Priority.

CARRIED

14 CORRESPONDENCE

14.1 CORRESPONDENCE

RESOLUTION 2022/291

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Megan Mortimer

That:

1. The correspondence report no. R22/355 be received and noted.

CARRIED

RESOLUTION 2022/292

Moved: Cr Melissa Rees

Seconded: Cr Megan Mortimer

That council send a letter and flowers to Mrs Agnes Burns in celebration of her 100th birthday.

CARRIED

15 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

16 PETITIONS

Nil

17 CLOSED SESSION

18 CLOSED SESSION**RESOLUTION 2022/293**

Moved: Cr Melissa Blewitt

Seconded: Cr Megan Mortimer

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

17.1 Operation of Cafe in the New Lachlan Visitor Information Centre

This matter is considered to be confidential under Section 10A(2)c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

17.2 Cyber Security Action Plan update to Council

This matter is considered to be confidential under Section 10A(2)f of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

17.3 Replacement of Articulated Motor Grader Q2022-15

This matter is considered to be confidential under Section 10A(2)di of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

17.4 COMMUNITY RECYCLIING CENTRE PROGRAM EDUCATION FUNDING DEED

This matter is considered to be confidential under Section 10A(2)c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

17.5 Collection and Disposal of Used Motor Oil - Netwaste Regional Contract

This matter is considered to be confidential under Section 10A(2)c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

17.6 Tender 2022/9 - Management Contract for Riverview Caravan Park - Negotiations Outcome

This matter is considered to be confidential under Section 10A(2)c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

17.7 Tender 2022/7 - Management Contract for Tottenham Caravan Park - Negotiations

This matter is considered to be confidential under Section 10A(2)c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

17.8 Tender Assessment - Scott Street Upgrade

This matter is considered to be confidential under Section 10A(2)c and di of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

17.9 Road Betterment Culvert Installation - Contract variation

This matter is considered to be confidential under Section 10A(2)c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

CARRIED**RESOLUTION 2022/294**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Megan Mortimer

That Council moves out of Closed Council into Open Council.

CARRIED

17.1 OPERATION OF CAFE IN THE NEW LACHLAN VISITOR INFORMATION CENTRE**RESOLUTION 2022/295**

Moved: Cr Peter Harris

Seconded: Cr Elaine Bendall

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/261 be received and noted.
2. Council invite expressions of interest from local café proprietors to lease the café within the new Visitor Information Centre
3. If no expressions of interest are received, further expressions of interest be invited from other interested parties
4. A further report be presented to Council outlining the expressions of interest received and recommending a preferred lessee of the café in the new Lachlan Visitor Information Centre.

CARRIED

17.2 CYBER SECURITY ACTION PLAN UPDATE TO COUNCIL**RESOLUTION 2022/296**

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That

1. The Director of Corporate and Community Services Report No. R22/326 be received and noted.

CARRIED

17.3 REPLACEMENT OF ARTICULATED MOTOR GRADER Q2022-15**RESOLUTION 2022/297**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Environment, Tourism and Economic Development Report No. R22/327 be received and noted.
2. Council purchase 1 new Caterpillar 150 grader from Westrac Pty Ltd for \$562,358.71, trade fleet no 6004 for \$181,500.00 with changeover of \$380,858.71.

CARRIED

17.4 COMMUNITY RECYCLING CENTRE PROGRAM EDUCATION FUNDING DEED**RESOLUTION 2022/298**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Judith Bartholomew

That

1. The Director Environment Tourism and Economic Development Report No. R22/341 be received and noted.
2. The Mayor and General Manager be authorised to sign the Community Recycling Centre Education Funding Deed and affix the Council Seal.

CARRIED

17.5 COLLECTION AND DISPOSAL OF USED MOTOR OIL - NETWASTE REGIONAL CONTRACT**RESOLUTION 2022/299**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Environment Tourism and Economic Development Report No. R22/342 be received and noted.
2. Council accept the option to extend the Contract with Cleanaway dated 28 July 2020 for twelve (12) months, ending 23 September 2023.
3. The Mayor and General Manager be authorised to sign the contract documents and affix the Council seal.

CARRIED

17.6 TENDER 2022/9 - MANAGEMENT CONTRACT FOR RIVERVIEW CARAVAN PARK - NEGOTIATIONS OUTCOME**RESOLUTION 2022/300**

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That

1. The Director Environment, Tourism and Economic Development Report No. R22/343 be received and noted.
2. Council accepts the tender from Bevis & Martin and enter into a three (3) year contract, based on the advertised contract terms other than the right for the contractor to have the first option for a future twenty-one year lease.

CARRIED

17.7 TENDER 2022/7 - MANAGEMENT CONTRACT FOR TOTTENHAM CARAVAN PARK - NEGOTIATIONS**RESOLUTION 2022/301**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The Director Environment, Tourism and Economic Development Report No. R22/344 be received and noted.
2. Council accept the offer from Kristy Ivory to manage the Tottenham Caravan Park subject to agreement of the conditions detailed in Table 1 of the report.
3. A sliding scale income percentage payment be offered as an incentive to the Manager to increase promotion and improvement of the Caravan Park, as suggested in Table 4 of the report.
4. The General Manager and Mayor be authorised to sign the contract documents and affix the Council seal.

CARRIED

17.8 TENDER ASSESSMENT - SCOTT STREET UPGRADE**RESOLUTION 2022/302**

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That:

1. The Director Infrastructure Services Report No. R22/347 be received and noted.
2. Council decline all tender offers submitted in response to IFT2022/13 Scott Street Upgrade;
3. The General Manager or their delegate be authorised to enter into direct negotiations with any person with a view to entering a contract in relation to the subject matter of the IFT;
4. The reason for entering into direct negotiations is that it is not expected that further market testing will provide a more satisfactory result;
5. Following the completion of direct negotiations the Director of Infrastructure Services prepare a further report for Council's consideration.

CARRIED

17.9 ROAD BETTERMENT CULVERT INSTALLATION - CONTRACT VARIATION

RESOLUTION 2022/303

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Infrastructure Services Report No R22/349 be received and noted.
2. Council delegate authority to the General Manager to execute the Deed of Settlement and Release.

CARRIED

The Meeting closed at 4.10pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 23 November 2022.

.....
CHAIRPERSON

DRAFT

5 MAYORAL MINUTE

5.1 MAYORAL MINUTE - MEETINGS AND FUNCTIONS - NOVEMBER

TRIM Number: R22/369

Author: Administration Officer

RECOMMENDATION

That:

1. Mayoral Minute No R22/369 be received and noted.

PURPOSE

To provide Council with details of the meetings and functions attended by the Mayor and Deputy Mayor for the month of November.

MEETINGS AND FUNCTIONS ATTENDED BY THE MAYOR AND DEPUTY MAYOR

26.10.2022	Lachlan Valley Collaborative Care Overarching Working Group meeting
27.10.2022	Country Mayors Association Executive meeting
01.11.2022 – 04.11.2022	National Road and Transport Congress
01.11.2022	Interagency Meeting
01.11.2022	Talk of the Town – Sarah Boorer Bathurst Broadcasters – Online
09.11.2022	Strategic Briefing
11.11.2022	Central NSW Joint Organisation – Lachlan and Macquarie Regional Water Strategies
14.11.2022	Community Precinct Meeting (postponed due to flood situation)
16.11.2022	CNSWJO – SSRP meeting
	Lachlan Valley Collaborative Care
23.11.2022	ARIC
	Ordinary Council Meeting

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

CSP 4.2 Strong effective and responsive Council

ATTACHMENTS

Nil

5.2 MAYORAL MINUTE - DECLARATION OF STATEWIDE ROAD EMERGENCY**TRIM Number: R22/388****Author: General Manager****RECOMMENDATION**

That:

1. Mayoral Minute No. R22/388 be received and noted.
2. Lachlan Shire Council joins with Local Government NSW and the Country Mayors Association of NSW in declaring a State-wide Road Emergency.
3. Along with these organisations Lachlan Shire Council supports:
 - a. an acceleration and significant increase in funding for the \$1.1 billion Fixing Local Roads and Fixing Country Bridges program from the New South Wales Government;
 - b. a boost to Road Block Grant funding to compensate for the damage to the regional road network from the Federal Government;
 - c. new funding to provide councils with plant machinery and skilled workers to expedite road repairs from the Federal Government; and
 - d. the writing of letters to the Hon Anthony Albanese MP, Prime Minister of Australia, and the Hon Dominic Perrottet MP, Premier of New South Wales to request immediate action on these matters.

Councillors,

We are all well aware the Lachlan Shire has been hit by a seemingly relentless wave of flood events in the past 12 months. We are not alone; a total of 126 of the 128 New South Wales local government areas have had natural disaster declarations within the last 12 months, according to the President of Local Government NSW, Darriea Turley.

On 3 November 2022, Local Government NSW declared a State-wide Roads Emergency.

The declaration, and an urgent call for the NSW and Federal governments to increase their existing road funding commitments in the wake of the floods, comes on the back of an estimated \$2.5 billion in road damages and a collapse of the local and regional road network.

I ask Lachlan Shire Council to show our support for this move and whole-heartedly endorse the Local Government NSW declaration of State-wide Road Emergency.

The declaration has already been publicly supported by our peak regional body, the Country Mayors Association of New South Wales.

As part of the State-wide Roads Emergency, LGA NSW and Country Mayors Association of NSW are calling for:

- An acceleration and significant increase in funding for the \$1.1 billion Fixing Local Roads and Fixing Country Bridges program from the New South Wales Government
- A boost to Road Block Grant funding to compensate for the damage to the regional road network from the Federal Government
- New funding to provide councils with plant machinery and skilled workers to expedite road repairs from the Federal Government.

We have faced, and may continue to face, an unprecedented and unrelenting series of natural disasters that has seen residents and business owners cleaning up again and again, people isolated, workers unable to get to work, and students unable to get to training or school.

Add to this our very real and immediate concern for our primary producers.

This latest rain event has hit at a critical time. Winter crops are ready to be harvested and the window for planting summer crops, including cotton, only lasts a matter of week. Cotton is one of the largest contributors to our agricultural outputs.

Livestock are ready to go to sale.

The local and regional road network is critically-enabling infrastructure. It is absolutely vital to our primary producers, and the key to keeping affordable food on the table across New South Wales and beyond.

Our road network, and the road network of shires across the state, have disastrous damage. We are facing a task that is beyond the reasonable scope of any local government authority. We face an unprecedented disaster that requires an unprecedented response.

We need help. Our community needs help. Other regional and rural communities across the state and beyond need help. We desperately need our leaders to lead.

We need to support our peak bodies in their declaration of a State-wide Road Emergency.

This is an emergency, and it is time to seek help, and by supporting this Mayoral Minute you are endorsing that I write to the Prime Minister of Australian Anthony Albanese and the Premier of New South Wales Dominic Perrottet pleading for immediate action.

John Medcalf OAM
Mayor

ATTACHMENTS

Nil

- 6 PUBLIC FORUM**
- 7 DISCLOSURE OF INTEREST**

8 READ AND NOTE

8.1 BUILDING PROJECTS MONTHLY UPDATE FOR NOVEMBER

TRIM Number: R22/351

Author: Manager - Projects and Building

RECOMMENDATION

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/351 be received and noted.

PURPOSE

The purpose of this report is to provide a summary of projects currently being undertaken by the Environment, Tourism and Economic Development Department. The execution and completion of work varies on resource availability, weather conditions, work priorities and unforeseen circumstances. Work priority will be allocated based on safety and risk.

SUPPORTING INFORMATION

NIL

BACKGROUND

Council has adopted the 2022/23 budget and associated Delivery and Operational Plans. This report provides updates on the delivery of the capital and grant funded projects regarding buildings.

ISSUES AND COMMENTS

Project	Budget	Funding Source	Expend. To Date	Forecast Expend.	Comments
Condobolin and District Historical Museum - Extension to Museum and Display Enhancements	\$77,765	SCCF R3	\$6k	\$77,765	Revised option accepted by committee via confirmation email. Quotes are being finalised & funding scope variation has been lodged.
Condobolin Works Depot	\$7,246,707.60	\$6,000,000 Loan and remaining \$1.25m from Council reserves	\$2,953,289.97	\$7,246,707.60	Contracts signed. Works commenced 8 March 2021. Ongoing issue with alleged subsoil moisture which is the subject of a formal dispute

					raised by the contractor. In accordance with Interim Arbitration Award, Council has undertaken further site investigations and testing. Final report has been received. Works have ceased on-site whilst the dispute remains unresolved.
Lachlan Shire Visitor Information Centre	\$4,403,973.00 above includes contingency of \$347,836.03	Growing Local Economies Fund	\$1,171m	\$4,404,974.00	PWA engaged to provide Project Management Services. PCG established to oversee project delivery. Contract has been issued to Patterson Building Group (PBG) to construct the VIC. PBG have commenced works. Portal framework has been completed. Roof installed. Infill framework completed, service rough in is now taking place. Project will be delayed due to the current flooding situation. The length of the delay is unknown at this point.
Lake Cargelligo Hall Upgrade	\$50,000	SCCF R4	\$42.5k	\$50,000	Air Conditioning units have been installed. Door has been repaired, alarm system has been installed. Awaiting approval of variation to expend remaining funds.

Willow Bend Sport Centre – Roof Repair	\$75,000	SCCF R4	\$70k	\$75,000	PO issued for works. Roof safety system has been installed. Repairs to roof have been undertaken, with significant savings. Variation to project scope has been approved. New vents have been purchased and internal works been undertaken. Awaiting installation of windows.
Willow Bend Sports Centre Renewal	\$300,000	LRCI P3	Nil	\$300,000	A meeting has been held with the manager of the sports centre to discuss potential impacts of works as well as options. Meeting held onsite with builders in regard to the amenities renewal. Initial quote received. Scope has been reviewed and revised quotes are being obtained from local builders.
Companion Animal Surrender Cages - Lake Cargelligo	\$50,000	LRCI P3	\$1.7k	\$50,000	Preferred site has been identified. Plans have been finalised, quote has been received and purchase order has been issued to local builder. Project will be delayed due to the current flooding situation. The length of the delay is unknown at this point.
Tottenham Caravan Park Enhancement	\$190,000	LRCI P3 \$190k & Council funds \$35k	\$66.8k	\$190,000	Schedule of works being finalised. Quotes are being obtained and PO's

					to be issued for various items. Solar lighting has been installed throughout the park and on the footpath towards town. Works have been completed on the new office, patio slab and renewal of several rooms. Other works continuing.
Sign Replacement – Lake Cargelligo Foreshore walk	\$50,000	SCCF R3	Nil	\$50,000	Audit undertaken. Meeting was held with relevant parties on Monday 20 June 2022 in Lake Cargelligo. Sign details are now being prepared with the relevant parties.
Provision of hearing loop – Tullibigeal Hall	\$20,000	22/23 Capital	\$10k	\$20,000	Quotes have been obtained, PO has been issued. Awaiting confirmation of installation date.

Condobolin Works Depot Budget Update

Please note there has been no change to these figures due to suspension of work by the contractor.

Budget	\$7,816,707.60
Contract Value	\$7,246,707.60*
Other Works and Project Management Costs	\$570,000.00
Contingency (included in Contract Value)	\$400,000.00
Approved Variations	\$262,978.32
Remaining contingency	\$51,708.80
Current Expenditure	\$2,953,289.97

All figures include GST

* Figure includes Contingency

Please note a saving of \$69,679.03 was achieved for the electrical substation, which has been reflected in the above approved variation figure.

FINANCIAL AND RESOURCE IMPLICATIONS

Project management and financial controls are in place to manage financial expenditure and resource allocation.

LEGAL IMPLICATIONS

Nil. All project materials and services have been procured in accordance with the requirements of the NSW Local Government Act 1993 and Council's procurement policy. Environmental Planning and Assessment Act provisions are being complied with regarding development approvals and planning controls.

RISK IMPLICATIONS

Project management and financial controls are in place to manage time and budget risks. The projects have been assessed against relevant legislative requirements to minimise Council's exposure to risk.

Risks surrounding project delivery are being managed through the use of external project managers such as Public Works Advisory to assist with the delivery of building projects.

The cost of the formal arbitration process associated with the resolution of the contractual dispute with the Works Depot construction contractor possess a financial risk to this project that cannot be quantified at this time.

STAKEHOLDER CONSULTATION

Council's fortnightly news column, Talking Tottenham and Mayoral Newsletters update the community on the major improvement works being undertaken around the Shire.

Community consultation has been undertaken in relation to the projects, either through the Community Strategic Plan, through requests for projects to receive grant funding and/or through reports to Council advising of the projects which are being put forward for progression.

OPTIONS

Not applicable

CONCLUSION

This report updates Council on the capital improvements/new work being undertaken by the Environment, Tourism and Economic Development Department.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

4.2 Strong effective and Responsive Council

ATTACHMENTS

Nil

8.2 INVESTMENTS AS AT 31 OCTOBER 2022**TRIM Number: R22/361****Author: Finance Accountant****RECOMMENDATION**

That:

1. The Director Corporate and Community Services Report No. R22/361 be received and noted.

PURPOSE

The *Local Government (General) Regulation 2021* section 212 specifies that Council's Responsible Accounting Officer must provide elected members with a monthly written report detailing the funds invested by Council. The report must include information up to the last day of the month immediately preceding the meeting.

The Responsible Accounting Officer must also provide a certificate stating whether the investments have been made in accordance with the Act, the Regulations and Council's Investment Policy.

SUPPORTING INFORMATION

Council's general bank account reconciled balance at 31 October 2022 is \$3,185,402. Investments held at 31 October 2022 totalling \$64,287,834 are set out in Attachment 1.

Responsible Accounting Officer Certificate

I certify that the investments have been reconciled with the Council's general ledger as at 31 October 2022, and that investments have been made in accordance with the *Local Government Act*, *Local Government (General) Regulation 2021* and Council's Investment Policy.

Karen Pegler

Responsible Accounting Officer

FINANCIAL UPDATE

As at the end of October 2022, Council's portfolio is compliant across its counterparty and credit quality limits. Over the past 12 months, the portfolio, excluding on call cash, returned +1.32% p.a., outperforming the AusBond Bank Bill Index (bank bills) by 0.56% p.a.

The Reserve Bank (RBA) raised the cash rate again on 1 November by 0.25% taking the cash rate to 2.85%.

The RBA stated "*Over the year to September, the CPI inflation rate was 7.3 per cent, the highest it has been in more than three decades.... Price stability is a prerequisite for a strong economy and a sustained period of full employment. Given this, the Board's priority is to return inflation to the 2–3 per cent range over time..... The Board expects to increase interest rates further over the period ahead. It is closely monitoring the global economy, household spending and wage and price-setting behaviour*".

Investment returns above 4.25% p.a. now appear likely if Council can place its surplus funds for terms of 12 months or more.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

Investments are made in accordance with Council's Investment Policy and the Community Strategic Plan/Delivery Program Item 4.2.1, which aims to ensure that "Council is financially sustainable and provides services at a level expected by the community".

CONCLUSION

Investments will continue to be managed so Council can meet its cash commitments as and when they fall due.

ATTACHMENTS

- 1. Investment Report October 2022**

8.3 SUBMISSION TO IPART ON REVIEW OF THE RATE PEG METHODOLOGY**TRIM Number:** R22/363**Author:** Director - Corporate and Community Services**RECOMMENDATION**

That:

1. The Director Corporate and Community Services Report R22/363 be received and noted.

PURPOSE

To provide Councillors with a copy of the Lachlan Shire submission which was lodged with IPART on 3 November 2022.

SUPPORTING INFORMATION

As attached.

BACKGROUND

IPART has been setting the rate peg for councils across NSW since 2010. IPART's stated aim of the rate peg is to protect ratepayers from excessive increases in council rates by limiting the total amount by which councils can increase their income from rates each year.

Historically (prior to IPART setting the rates peg) the rates peg from the 2005/06 to 2010/11 financial years ranged from 3.2% to 3.6%. The rates peg remained relatively stable. IPART commenced setting the rates peg in 2011/12 financial year, and in the last 10 years, the base rate peg has varied from 0.7% to 3.7%.

The final report on the IPART review for the rate peg to include a population growth factor was issued in September 2021. The 2023-2024 IPART rate peg release showed only 32% of Councils (41 out of 128) obtaining a population factor increase. The similar percentage of Councils received a population factor increase in the 2022-2023 IPART rate peg increase. It can be concluded that the majority of NSW Councils are not benefitting from the current rate peg methodology.

ISSUES AND COMMENTS

IPART is currently reviewing the methodology it will use to set the rate peg from 2024-25. It is disappointing that the Terms of Reference issued on 18 August 2022 by the Minister for Local Government did not include the removal of the rate peg as an option nor a streamlined Special Rates Variation process. Local Government NSW stated they were not given an opportunity to have input into the Terms of Reference.

On 29 September 2022, IPART released an Issues Paper with an invitation for submissions. Submissions closed on 4 November 2022.

IPART's future timeline

- Stakeholder workshops in November 2022. The DCCS has registered for a workshop in Forbes on 24 November 2022.
- A draft report will be released in February 2023 setting out IPART's draft findings and recommendations.
- Further submissions on the draft report are expected to be allowed.
- A public hearing is expected to be held in March 2023.

For rural and regional councils the cost of service provision is actually higher per capita, due to their often smaller rates base and often larger geographical areas. IPART has recognised this in the appendix of the Issues Report stating "Regional councils cover larger areas but service less population. They also provide a more diverse range of services to their communities, which often have less capacity to pay".

The Lachlan Shire Council submission states that the current rate peg setting methodology has a number of significant failings, including:

- One size does not fit all;
- The rate peg is not forward looking, although forward looking data is available in some cases such as award wage and superannuation increases;
- IPART acknowledges that cost pressures are not uniform across Councils, this could be due to population density, development, location, multiple assets across a large shire with a small population that is not centrally located etc;
- Lag indicators use data that is averaged & well out of date, often when up to date data is publicly available;
- Increased volatility and lower rate pegs than pre IPART setting the rate peg;
- What is a typical or average council?
- A lack of consultation with rural and regional Councils - IPART stated it worked with councils to understand how council costs and revenue are impacted by population growth. The report stated it worked with Byron Shire Council, Wagga Wagga City Council, Cessnock City Council, Blacktown City Council and Bayside Council. There is no mention of rural councils and central west/far west councils, west of the great divide such as Lachlan Shire, Burke Shire, Broken Hill City Council, Bathurst Regional (does have a population increase according to the 2023-2024 rates peg) & Orange City Council.

FINANCIAL AND RESOURCE IMPLICATIONS

The rates peg for Lachlan Shire for the 2023-24 FY is 3.7% and was notified by IPART on 29 September 2022.

LEGAL IMPLICATIONS

Section 506 of the *Local Government Act NSW 1993* permits the Minister, by order published in the Gazette to specify the percentage by which councils' general income for a specified year may be varied. This is commonly known as the Rate Peg. IPART has been delegated the power to set the rate peg.

RISK IMPLICATIONS

There is a risk that the rate peg outcomes will remain very similar to the current situation, that is failing to keep up with actual council costs. The 1st item on the Minister's directions to IPART is to continue to protect ratepayers from excessive rate rises. There is no mention of ensuring Councils are financially sustainable.

STAKEHOLDER CONSULTATION

Local Government NSW online discussion 18 October 2022

Local Government Professionals NSW – Council's DCCS is a member of working party

Central West Joint Organisation

OPTIONS

N/A

CONCLUSION

A copy of the Lachlan Shire Council submission to the IPART Rate Peg Review is attached for Councillors information.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

Item 4.2.1 of the Community Strategic Plan aims to ensure that "Council is financially sustainable and provides services at a level expected by the community".

ATTACHMENTS

1. **LSC submission acknowledgment**
2. **LSC Rate Peg Review Submission**

8.4 UPDATE ON AUDIT, RISK & IMPROVEMENT COMMITTEE GUIDELINES**TRIM Number:** R22/367**Author:** Director - Corporate and Community Services**RECOMMENDATION**

That:

1. The Director Corporate & Community Services report R22/367 be received and noted.

PURPOSE

To update Council on the proposed Guidelines for Audit, Risk and Improvement Committee (ARIC) membership, as per the latest Office of Local Government (OLG) circular A824754 issued on 20 July 2022.

SUPPORTING INFORMATION

Refer to attachments.

BACKGROUND

There have been a number of draft documents issued by the Office of Local Government for the management of risk and internal audit including "*Guidelines for Risk Management and Internal Audit for Local Councils in NSW*". Opportunity was provided for Council feedback during the consultation rounds.

ISSUES AND COMMENTS

The main changes proposed to bring to Councillors attention are:

- Changes to ARIC composition brought forward from 2027 to 1 July 2024;
- A non-voting Councillor member can now be appointed;
- The non-voting Councillor member however cannot be the Mayor;
- As a minimum, the ARIC must have one independent chair who meets the independence and eligibility criteria for an ARIC chair, and at least two independent members who meet the independence and eligibility criteria for ARIC members;
- Removal of the requirement for the ARIC Chair and a prescribed number of independent members to be appointed from the NSW Government Prequalification scheme; and
- The tiered arrangements for Councils will no longer apply.

FINANCIAL AND RESOURCE IMPLICATIONS

Depending on the fees expected by ARIC members and agreed to by Council, there may be additional costs as one more independent ARIC member will be required from 1 July 2024.

LEGAL IMPLICATIONS

The proposed requirements are expected to commence from 1 July 2024.

RISK IMPLICATIONS

There will be legislative risks if Council does not comply with the (OLG)'s *Guidelines for Risk Management and Internal Audit for Local Councils in NSW*. It is not known when the finalised guidelines will be released.

STAKEHOLDER CONSULTATION

Councillors – November 2022 strategic briefing

ARIC – November 2022 meeting.

OPTIONS

N/A

CONCLUSION

The OLG have issued “Guidelines for Risk Management and Internal Audit for Local Councils in NSW” which are expected to become effective from 1 July 2024.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

4.2 Strong, effective and responsive council

4.2.1 Operate an effective Audit Committee

4.2.5 Council’s exposure to risk is minimised

ATTACHMENTS

1. **OLG Circular ARIC membership**
2. **Proposed ARIC membership requirements**

8.5 FY22/23 UTILITIES MONTHLY UPDATE FOR NOVEMBER

TRIM Number: R22/368

Author: Manager - Utilities

RECOMMENDATION

That:

1. The Director Infrastructure Services Report No. R22/368 be received and noted.

PURPOSE

To provide a summary of the existing and future works and projects associated with the provision of water and sewerage services across Lachlan Shire. Items listed are works undertaken for October, in progress for the month of November and forecast for the month of December 2022.

SUPPORTING INFORMATION

Nil

BACKGROUND

Lachlan Shire Council is responsible for a suite of capital and operational works associated with the provision of water and sewerage services. This report provides status updates on projects and programmes of significance and interest to Council and stakeholders.

ISSUES AND COMMENTS

Condobolin

Project	Progress
RNSW 1879 Condobolin Water Supply Upgrade Scoping Study	<ul style="list-style-type: none"> • Administration of this Deed is still being finalised. Outcomes will provide valuable input for the future Concept Design Stage.
RNSW 1880 Condobolin Sewerage Scheme Scoping Study	<ul style="list-style-type: none"> • Administration of this Deed is still being finalised. Outcomes will provide valuable input for the future Concept Design Stage.
RNSW 755 Condobolin Bore Fields II	<ul style="list-style-type: none"> • The bore and land boundary matters are continuing to progress. The Land holder has been advised of progress on this issue and was given options on the land transfer mechanism.
DWS072 Condobolin Drought Water Security Project	<ul style="list-style-type: none"> • Contract 1: Pipeline – due to the flooding situation, majority of the scour valves are under water. The concrete works may not be able to be completed by 30 November 2022. • Contract 4: Under bore – the flow and pressure test will be rescheduled once the wet weather and flooding situation ease. • Contract 5: Transfer Pump Station – the construction of the concrete pad has been delayed due to the recent wet weather and

	flooding situation. An extension of time (EOT) has been granted to 7 April 2022.
Lachlan St Sewer Pump Station – Concept and Detail Design Upgrade	<ul style="list-style-type: none"> The detailed design process is underway. Site survey for the underground sewerage assets within the vicinity of the pump station is postponed due to the flooding situation.
Condobolin Reservoir No.2 – Investigation Study	<ul style="list-style-type: none"> A business case to support grant funding is still currently underway.

Lake Cargelligo

Project	Progress
Lake Cargelligo STP – Screen Extractor	<ul style="list-style-type: none"> The installation of the screen extractor continues to be delayed due to the wet weather conditions.
Lake Cargelligo STP – Sewer Lagoons	<ul style="list-style-type: none"> The sewer lagoons are still continuing to overflow over the embankments. Unspent budget in financial year 2021/22 has been carried over to this financial year to undertake further works on the banks. The works can only commence once the dry weather returns and effluent in the lagoons start to evaporate.
Lake Cargelligo Reservoir No.1 (4ML) and 16 Mile Reservoir Remediation	<ul style="list-style-type: none"> Budget estimate and technical specification for the repair is currently being finalised.

Tottenham

Project	Progress
RNSW 841 Tottenham Water Supply	<ul style="list-style-type: none"> Geotechnical investigation for the new Albert reservoir is postponed due to the recent wet weather condition. This investigation is now proposed to resume in early December 2022 or early January 2023 (weather permitting). The concept design report for the upgrade of Leg O’ Mutton Dam is currently being reviewed by Council staff.
Tottenham WTP Upgrade	<ul style="list-style-type: none"> Quotes are currently being obtained to undertake the pipework modification in connecting the new clear water tank with the rest of the existing infrastructure.

Shire Wide

Project	Progress
RNSW 842 Sewage Effluent Reuse Management System (Lake Cargelligo,	<ul style="list-style-type: none"> The geotechnical investigation for the new holding dam and its proposed pipeline has again been postponed due to the recent wet weather condition. This investigation is now proposed to

<p>Condobolin & Tottenham)</p>	<p>resume in early December 2022 or early January 2023 (weather permitting).</p> <ul style="list-style-type: none"> • A concept design report is currently being prepared to design the solar cells system and its battery requirements. The report will prepare a specification that conveys the exact solar and battery requirements and presents the existing and proposed upgrade to the electrical infrastructure arrangements.
<p>Integrated Water Cycle Management (IWCM) Strategy</p>	<ul style="list-style-type: none"> • The update to the water and sewer asset registers has been completed. This information is crucial to complete the review of the 30-year Total Asset Management Plan which will play an important role in updating the 30-year Long Term Financial Plan. • The review of the IWCM Issues Paper is continuing.
<p>Natural Resources Access Regulator (NRAR) – metering requirements</p>	<ul style="list-style-type: none"> • Due to the significant rainfall and widespread flooding in the Central West, the deadline to meet the new metering and telemetry requirements for all Water extraction sites has been extended to 1 June 2023. • Council is currently progressing in procuring the required upgrades to the flowmeters, installation of the new RTUs and connection to the NRAR’s telemetry database. There may be delays in completing this project as a consequence of the on-going wet weather condition and significant flooding situation.

FINANCIAL AND RESOURCE IMPLICATIONS

All projects are listed as per the Delivery and Operational Plan 2022/23.

LEGAL IMPLICATIONS

In the Condobolin, Lake Cargelligo, Tottenham and Albert water supply schemes, sufficient high quality drinking water, which meets the standards prescribed in the Australian Drinking Water Guidelines (ADWG), is being supplied to the community. The day to day operation of Council’s water supply system is governed by DPE Water and the backwash discharge from the water treatment plant is administered by the EPA.

Non-potable water continues to be supplied to Tullibigeal, Fifield and Burcher.

Lachlan Shire Council is providing sewerage services to communities across the shire. The day to day operation of the sewerage services is governed by DPE and the effluent discharge from the sewerage treatment plant is administered by the EPA. There are significant risks should Council fail to achieve satisfactory outcomes in the following areas:

- Water quality
- Water quantity
- Effluent discharge quality
- Workplace Health & Safety
- Environmental Impacts

Council has systems in place to mitigate all risks in the form of trained personnel, documented work systems and routine audits and reports to various NSW Government Departments. Water and effluent quality are checked regularly to identify any deviation from the current guidelines and standards.

RISK IMPLICATIONS

Risk associated with the engagement of PWA is addressed by the formation of a project steering committee with INSW, DPE Water, PWA and Council staff representation.

Council senior staff regularly attend NSW Government agency meetings to keep updated on issues affecting water supply to the Lower Lachlan River System. This includes the River Operations Stakeholder Consultation Committee (Roscco), Lachlan Airspace Reference Panel, NSW Govt Critical Water Advisory Panel (CWAP) and Central West Joint Organisation Water Utilities Alliance (CWUA).

STAKEHOLDER CONSULTATION

DPE Water, Infrastructure NSW, NSW Public Works Advisory, the EPA, NSW Public Health Unit representatives and relevant Council staff have been consulted in relation to capital works & operational projects and compliance issues. Residents impacted by planned temporary disruption of services are provided reasonable notice where possible using a combination of letter box drops, public notices and media releases.

OPTIONS

1. Council continue to implement the water and sewer capital, operational and maintenance programs as resources permit, i.e. as funds, staff and contractors are available.
2. Council amend the water and sewer capital, operational and maintenance program.

CONCLUSION

This report is provided to update Council on activities in the Utilities section in October, underway for November and planned for December 2022.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

CSP 7.1 Water, sewer and energy utilities meet best practice standards with up to date technology.

CSP 7.2 Water Security for All Towns and Villages.

ATTACHMENTS

Nil

8.6 YOUTH SERVICES UPDATE TO COUNCIL - JANUARY TO JUNE 2022 YOUTH SERVICES REPORT AND FINANCIALS TO 30 JUNE 2022**TRIM Number: R22/371****Author: Director - Corporate and Community Services****RECOMMENDATION**

That:

1. The Director Corporate & Community Services Report No. R22/371 be received and noted.

PURPOSE

The purpose of this report is to provide Council with a summary of activities undertaken by Western Plains Regional Development Incorporated (WPRD) in relation to funding provided by Council for provision of Youth Services across the Shire. The documents are required to report on outcomes from the objectives identified in the Youth Strategy.

SUPPORTING INFORMATION

Western Plains Regional Development Inc. (WPRD) has provided the attached reports for Council's information:

- Written report - six months 1 January to 30 June 2022
- Financial report budgets vs actuals for year ended 30 June 2022.

BACKGROUND

Council signed a funding agreement in 2021 with WPRD now Lachlan & Western Regional Services (LWRS) to deliver youth services on behalf of the shire, through to 30 June 2025.

ISSUES AND COMMENTS

The report for the six months to 30 June 2022 refers to objectives achieved in line with the Youth Strategy as well as the Delivery and Operational Plans.

Financial documents are also provided to show funds received and how these funds have been spent for the financial year ended 30 June 2022.

LWRS still needs to provide the 2022 Annual Report.

FINANCIAL AND RESOURCE IMPLICATIONS

The youth services funding agreement allows for a Council contribution towards 2 distinct components. Council's 2023 FY budget provided for the following allocations:

Youth services \$206,810 including GST

Administration component \$61,083 including GST

Please note Council has not made any payments to LWRS this financial year as we have not received any invoices from them. Council provided all the requested information to LWRS relating to this issue on 18 October 2022.

LEGAL IMPLICATIONS

None identified.

RISK IMPLICATIONS

None identified.

STAKEHOLDER CONSULTATION

Lachlan & Western Regional Services Executive Officers on various dates.

Council – a brief update was provided at the September 2022 Ordinary meeting.

OPTIONS

Not applicable.

CONCLUSION

The attached reports from LWRS (formerly WPRD) outlines Youth Service activities undertaken between 1 January and 30 June 2022 and a financial report to 30 June 2022.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

Outcome 1.8 Wellbeing of Youth.

Outcome 4.2 Strong Effective & Responsive Council

Outcome 4.2.1 Council is financially sustainable and provides services at a level expected by the community.

ATTACHMENTS

- 1. Youth Service Report to January - June 2022**
- 2. Youth Services Financials to 30 June 2022**

8.7 FY22/23 URBAN WORKS MONTHLY UPDATE FOR NOVEMBER**TRIM Number: R22/377****Author: Manager Urban Works****RECOMMENDATION**

That:

1. The Director Infrastructure Services Report No. R22/377 be received and noted.

PURPOSE

The purpose of this report is to provide an update of the capital improvements in the Urban Works Section. The items listed are for works undertaken in October 2022, in progress for the month of November 2022 and forecast for the month of December 2022.

SUPPORTING INFORMATION

Nil

BACKGROUND

Council has adopted the 2022/23 budget and associated Delivery and Operational Plans. This report provides updates on the delivery of the Urban Works program, with some overlap with roads, utilities, tourism and buildings where required.

ISSUES AND COMMENTS

Project delivery in this area has focused on grant funded projects with funding deadlines and Capital works.

There has been a substantial amount of wet weather and the floods are having an impact on the delivery of the projects.

Supply chains for materials, contractors and manufactured goods are being affected by the current flooding event. Staff continue to liaise with stakeholders and grant bodies regarding possible impacts.

Works Completed in October

Tourism Precinct – stage 3. BBRF	Contractors have been delayed due to the wet weather and flooding of the site. Contractors are organising their works program so they can attend site as soon as the grounds dry out. PO’s have been issued and work will re-commence as soon as possible.
Scott Street Subdivision	Tender closed with 5 tenders received. Tender evaluation underway. See separate council report on tender assessment.
Footpath Tender	Works continued to focus around the Condobolin School Precinct, approx. 900m of footpath complete, including pram ramps, driveways, disabled parking and backfilling completed. All other works have been postponed indefinitely due to flooding.
SRA power upgrade	Design approval works underway. Some materials have been received. Site works have been postponed due to flooding.
SRA Ground LED Lighting Tender	Purchase order issued and contractor has ordered materials. Site works have been postponed due to flooding.
SRA Ground Changeroom upgrade	Architectural concept drawings received. Stakeholder design consultation with representatives from the Condo Rugby, League, Cricket and the Show Society have been complete with no changes. Demolition and earthworks quotations requested.
SRA Ground fencing upgrade	Fencing measured and quotations received. Site works postponed due to flooding.
Apex Park Pontoon	Water levels within the Lake is currently prohibiting any works. Water will likely stay high for a number of months. Works postponed indefinitely.
Tottenham Recreation Goal posts	Goal Posts have been installed and complete.
Tottenham Recreation Security Fencing	Fencing has been installed.
Tottenham Swimming Pool Carpark	Sub-base and concreting work have been complete. Sealing has been postponed due to the flooding and wet weather.
Albert BBQ and Shelter	Purchase order issued and materials delivered. Works have been postponed due to the flooding and wet weather.
Tullibigeal Netball Court Refurbishment	PO has been issued and works scheduled to be done when possible.

Works Underway in November

Tourism Precinct – stage 3. BBRF	All works postponed due to the flooding.
Scott Street Sub-division	Tender closed with 5 tenders submitted. Tender evaluation underway. See separate council report on tender assessment.
Footpath Construction	Works delayed until the rain and flooding subsides. The next project to commence will be Gum Bend Lake walkway, and Bathurst Street.
SRA power upgrade	Design documentation submitted to Essential Energy. Site work postponed due to flooding.
SRA Ground LED Lighting Tender	Purchase order issued and contractor has ordered materials. Site works postponed due to flooding.
SRA Ground Changeroom upgrade	Architectural and structural designs complete and reviewed. Tender commenced. Demolition and earthworks quotations received. Expecting to engage contractor and confirm timing of demolition. Site work postponed due to flooding.
SRA Ground fencing upgrade	Site works delayed due to flooding.
Lake Cargelligo Cricket club toilet	Stakeholder meeting complete and scope of works confirmed. Purchase orders to be issued. Project delayed due to availability of materials, lead times and flooding.
Tottenham Recreation Goal posts	Project complete.
Tottenham Recreation Security Fencing	Project complete
Tottenham Swimming Pool Carpark	Sealing postponed due to flooding and wet weather.
Tullibigeal Netball court resurfacing	Purchase order issued. Works to be complete when possible.
Albert Park BBQ and Picnic shelter	Project delayed due to the flooding and wet weather.

Works Scheduled in December

1. Tourism Precinct – stage 3. BBRF	2. Subject to flooding works will recommence when possible – irrigation contractor to complete install. 3. Landscaping to commence. 4.
5. Footpath Construction	6. Footpath construction to recommence (weather permitting) 7. Following the completion of Gum Bend Lake, the contractor will start Bathurst Street (195-211) approx. 180m & Frogs Hollow 130m

8. SRA Power upgrade	9. Essential Energy design approval. 10. Site works to commence subject the currently flooding event.
11. SRA Lighting upgrade	12. Awaiting material delivery. 13. Site works to commence subject to weather and flooding.
14. Tottenham Swimming Pool carpark	15. All carpark works to be complete and operational, weather and flooding permitting.
16. Tullibigeal Netball court resurfacing	17. Works complete, weather and flooding permitting.
18. Lake Cargelligo Cricket club toilet	19. POs to be issued and materials ordered with lead times confirmed.

FINANCIAL AND RESOURCE IMPLICATIONS

Project	Budget	Funding Source	Expenditure to Date	Forecast Expenditure	Comments
Tourism Precinct Stage 3	\$600K	BBRF 4 SCCF2	\$379K	\$600K	Budget is on track
Shire Wide LED street light replace	\$569k	LRCI 3	\$495k	\$569k	Budget on track
7 footpath locations	\$1,221k	FLR, LRCI3, General Rev	\$106k	\$1,221k	Budget on track
SRA Power Upgrade	\$267k	Showground Stimulus	\$0	\$267k	Budget on track
Apex Park pontoon	\$200K	Boating now	\$130K	\$200K	Budget is on track
Tottenham Recreation Security fencing	\$50k	SCCFR4	\$16k	\$50k	Budget is on track
Tottenham Recreation Goal Posts	\$41k	LRCI 3	\$15k	\$30k	Below Budget
Tottenham Swimming Pool Carpark	\$65k	LRCI2	\$58k	\$65k	On Budget
Albert Park BBQ and Picnic shelter	30k	LRCI2	27k	30k	On Budget

LEGAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Priority will be given to grant funded works. Meetings held with Finance staff to confirm project completions and project funding roll over for incomplete works.

COVID-19 and inflation is still causing concern for the staff, budgets and supply of goods and materials.

Weather and flooding are of concern to the delivery of projects, council staff are monitoring closely and will inform the relevant stakeholders and funding bodies should there be any delays or issues.

STAKEHOLDER CONSULTATION

Staff are seeking to engage with specific stakeholders on each project, in accordance with Council's community consultation policy. Meetings have been held with Tullibigeal Netball committee and Lake Cargelligo Junior & Senior Cricket Association, Condobolin Rugby, Junior League, Junior Cricket and Show society.

OPTIONS

1. Council continue to implement urban works capital improvements as programmed, as resources permit, i.e. as funds, staff and contractors are available.
2. Council amend the capital improvements program and budget.

CONCLUSION

This report updates Council on the capital improvements undertaken by the Urban Works team in October 2022, in progress for November 2022 and forecast work for December 2022.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

- 3.3 Upgrade Street Lighting
- 4.2 Strong, Effective and Responsive Council
- 4.4 Strategic Management of Villages and Crown Reserves
- 6.1 Increase recreational use of the lakes and rivers
- 6.3 New and visually appealing streetscapes
- 6.4 Improved Parks, Gardens and Sporting Ovals
- 6.5 Provision of neat, accessible and respectful cemeteries

ATTACHMENTS

Nil

8.8 ACTIVE RESOLUTIONS - NOVEMBER

TRIM Number: R22/378

Author: Administration Officer

RECOMMENDATION

That:

1. The General Manager's report no. R22/378 be received and noted.

PURPOSE

To provide Council with an update on Active Resolutions as at November 2022.

SUPPORTING INFORMATION

The active resolutions are attached.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

CSP 4.8 Strong effective and Responsive Council

ATTACHMENTS

1. Active Resolutions - November

8.9 FY22/23 ROADWORKS MONTHLY UPDATE FOR OCTOBER**TRIM Number: R22/372****Author: Manager - Roads****RECOMMENDATION**

That:

1. The Director Infrastructure Services Report No. R22/372 be received and noted.

PURPOSE

The purpose of this report is to provide a summary of road works undertaken by the Infrastructure Services Department which were completed in October, works in progress in the month of November and works scheduled for the month of December 2022. The execution and completion of works varies depending on resource availability, weather conditions, work priorities and unforeseen circumstances.

SUPPORTING INFORMATION

Nil

BACKGROUND

The Natural Disaster within the shire is continuing with peak flows in the Lachlan River experienced at Condobolin on 12 November 2022. Further storms impacted the region on 13 November resulting in many rainfall recordings above 100mm in a single day. This has resulted in creek flooding and renewed river rise, further damage of the road network, other private and public buildings and property. The flooding within the Lachlan River may possibly exceed the record 1952 levels at both Condobolin and at Euabalong.

A new \$50 million funding program has been announced by the NSW Government called Fixing Local Roads Pothole Repair. There are 95 local government areas eligible for funding under this program which will be allocated based on the total length of regional and local road in the LGA. Council's application was submitted by the due date of 8 November 2022. The announcement of funding allocation for each council under the program is expected before the end of November. Funds must be spent between 1 December 2022 and 31 December 2023.

A natural disaster infrastructure betterment grant program invites councils, impacted by 4 specific disaster events, to prepare grant applications for "Betterment" projects to increase and improve the resilience of the community. Lachlan Shire Council was impacted by one of these events, the March 2021 storms and floods (AGRN 960). A report will be prepared for Council to confirm the projects that will be submitted for funding under this program.

UPDATE

Road Construction

Smythes culvert, MR 57S Lachlan Valley Way

No work has been undertaken on this project during the past month due to the high water levels in the Lachlan River. The rise in water level reached the soffit of the culverts on 10 November. The bypass road was kept open as long as possible but had to be closed on 9 November due to the water depth exceeding 500mm. It is unknown when the road will re-open.



SR 230 Lachlan Valley Way seal extension.

Road pavement construction is continuing, with wet weather severely delaying pavement construction works.

Maitland Street/Henry Parkes Way/Kiacatoo Road intersection.

The intersection was sealed in mid-October with only line marking required to complete this part of the project. A time extension has been approved by the funding body to allow the Melrose Road/Silos Road intersection to be reconstructed in early 2023. This will avoid reconstruction work being undertaken at this intersection during the harvest period.

All other construction projects have been delayed by weather and flooding conditions. Activities have been directed toward restoring road access on those routes cut due to flooding.

Road Maintenance

Maintenance grading work has been progressing slowly due to weather conditions with very limited progress from mid-October to present. Council staff have been engaged inspecting and sign posting many roads and trying to keep various roads open by placing ballast in damaged sections of pavement. Many roads have been closed due to flooding and pavement damage.

Works undertaken in October

- **Heavy patching, re-sheeting and grade water and roll undertaken on the following unsealed roads**
 - Shire Roads
 - SR 45 Boona Road – gwr
 - SR 338 Hassans Lane – gwr
 - SR 1347 Albert Road – gwr – part length

- **Road and culvert reconstruction and sealing undertaken on the following roads**
 - Main Roads
 - MR 57S The Gipps Way – FCR/Block grant – Nerathong bridge replacement manufacture of precast units continuing
 - MR 461 Henry Parkes Way – HVSP/Block grant – Kiacatoo Road intersection sealed
 - Shire Roads
 - SR 230 Lachlan Valley Way – FLR/RTR – wet weather has resulted in minimal progress on this project
 - Town Streets
 - Condobolin School Precinct – FLR/RTR – Sealing of east side of McDonnell Street completed

- **Road reseals/sealing**
 - Main Roads
 - MR 461 Henry Parkes Way – Kiacatoo Road intersection sealed
 - Shire Roads
 - McDonnell Street – Molong St to Orange St east side of road sealed

- **Maintenance grading/sucker removal/storm damage repairs undertaken on the following unsealed roads**
 - Main Roads
 - nil
 - Shire Roads
 - SR 34 Wilmatha Road – flood damage repairs
 - SR 58 Mowabla Road – maintenance grading
 - SR 91 Marsden Road – maintenance grading
 - SR 110 Euglo Trig Road – maintenance grading
 - SR 121 Camp Road – maintenance grading
 - SR 199 Bootoowa Road – maintenance grading
 - SR 205 Contarlo Road – maintenance grading
 - SR 206 Mt Daylight Road – maintenance grading
 - SR 208 Brewer Lane – maintenance grading
 - SR 210 Harts Lane – maintenance grading
 - SR 230 Lachlan Valley Way – drainage repairs
 - SR 302 Gooma Road – maintenance grading

- **Shoulder grading/slashing/vegetation control and patching undertaken on the following sealed roads**
 - Main Roads
 - MR 57N Fifield Road – pavement failure repairs
 - MR 57NN The Bogan Way – pavement failure repairs
 - MR 57S The Gipps Way – pothole patching
 - MR 231 Wyalong Road – slashing and pothole patching
 - MR 347 Dandaloo Road – pavement failure repairs
 - MR 423 Lachlan Valley Way – slashing and pothole patching
 - MR 501 Hillston Road – pavement failure repairs
 - MR 461 Henry Parkes Way north – shoulder grading
 - RR 7513 Lake Cargelligo Road – slashing and pavement failure repairs

- Shire Roads
 - SR 5 Lansdale Road – slashing
 - SR 45 Boona Road – drainage improvements
 - SR 60 Springvale Road – pavement failure repairs
 - SR 340 Silos Road – drainage improvements
 - SR 341 Jones Lane – slashing
 - SR 1029 Tullibigeal Road – pothole patching

Works Underway for November

- **Heavy patching, re-sheeting and grade water and roll to be undertaken on the following unsealed roads**
 - All Roads
 - nil
- **Road resealing/sealing**
 - All roads
 - Nil due to weather conditions
- **Road and culvert reconstruction and sealing to be undertaken on the following roads**
 - All Roads
 - All projects on hold until flooding recedes and site are accessible
- **Maintenance grading/sucker removal/storm damage repairs undertaken on the following roads**
 - Main Roads
 - nil
 - Shire Roads
 - SR 10 Meadowview Road – flood damage repairs
 - SR 11 Moira Vale Road – flood damage repairs
 - SR 34 Wilmatha Road – flood damage repairs
 - SR 44 Melrose Plains Road – flood damage repairs
 - SR 56 Bimbella Road – flood damage repairs
 - SR 58 Mowabla Road – flood damage repairs
 - SR 98 Manna forest Road – maintenance grading
 - SR 302 Gooma Road – maintenance grading
- **Shoulder grading/slashing/vegetation control and patching undertaken on the following sealed roads**
 - All Roads
 - Ongoing pothole patching
 - Slashing is limited as road edges are too wet.

Works planned for December

- **Heavy patching, re-sheeting and grade water and roll to be undertaken on the following unsealed roads**

- Main Roads
 - MR 461 Henry Parkes Road - gwr
 - RR 7514 Nyngan Road - gwr
- Shire Roads
 - SR 5 Lansdale Road – gwr and gravel re-sheeting
 - SR 1187 Palesthan Road – gwr and gravel re-sheeting 5 km

- **Road resealing/sealing**
 - Main Roads
 - nil
 - Shire Roads
 - SR 3 Tabratong Crossing Road – 600 metre reseal over primer seal
 - Tottenham Swimming Pool Carpark

- **Road and culvert reconstruction and sealing to be undertaken on the following roads**
 - All Roads
 - All projects on hold until flooding recedes and sites are accessible

- **Maintenance grading/sucker removal/storm damage repairs undertaken on the following roads**
 - Main Roads
 - nil
 - Shire Roads
 - To be determined

- **Shoulder grading/slashing/vegetation control and patching undertaken on the following sealed roads**
 - All Roads
 - Ongoing pothole patching

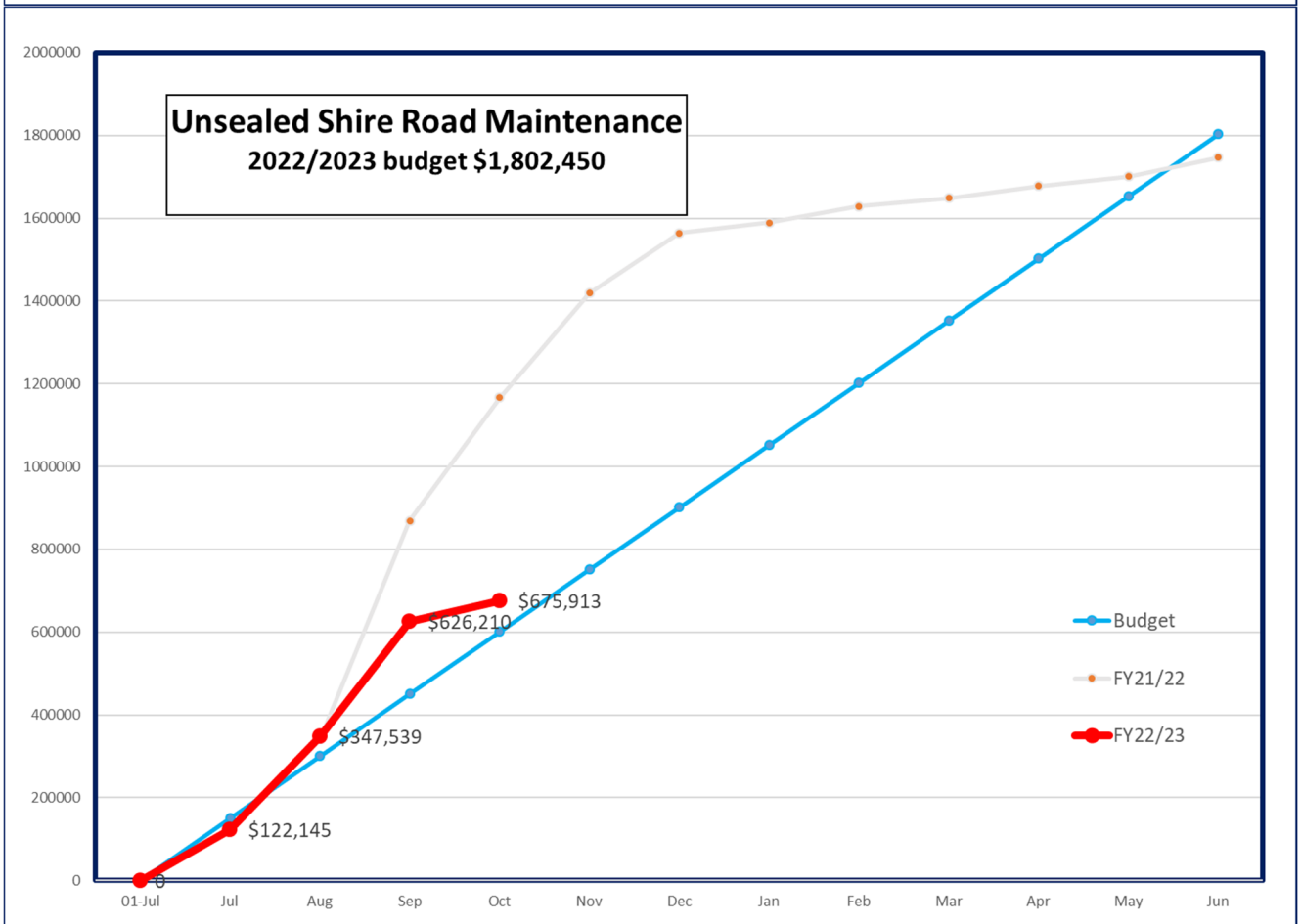
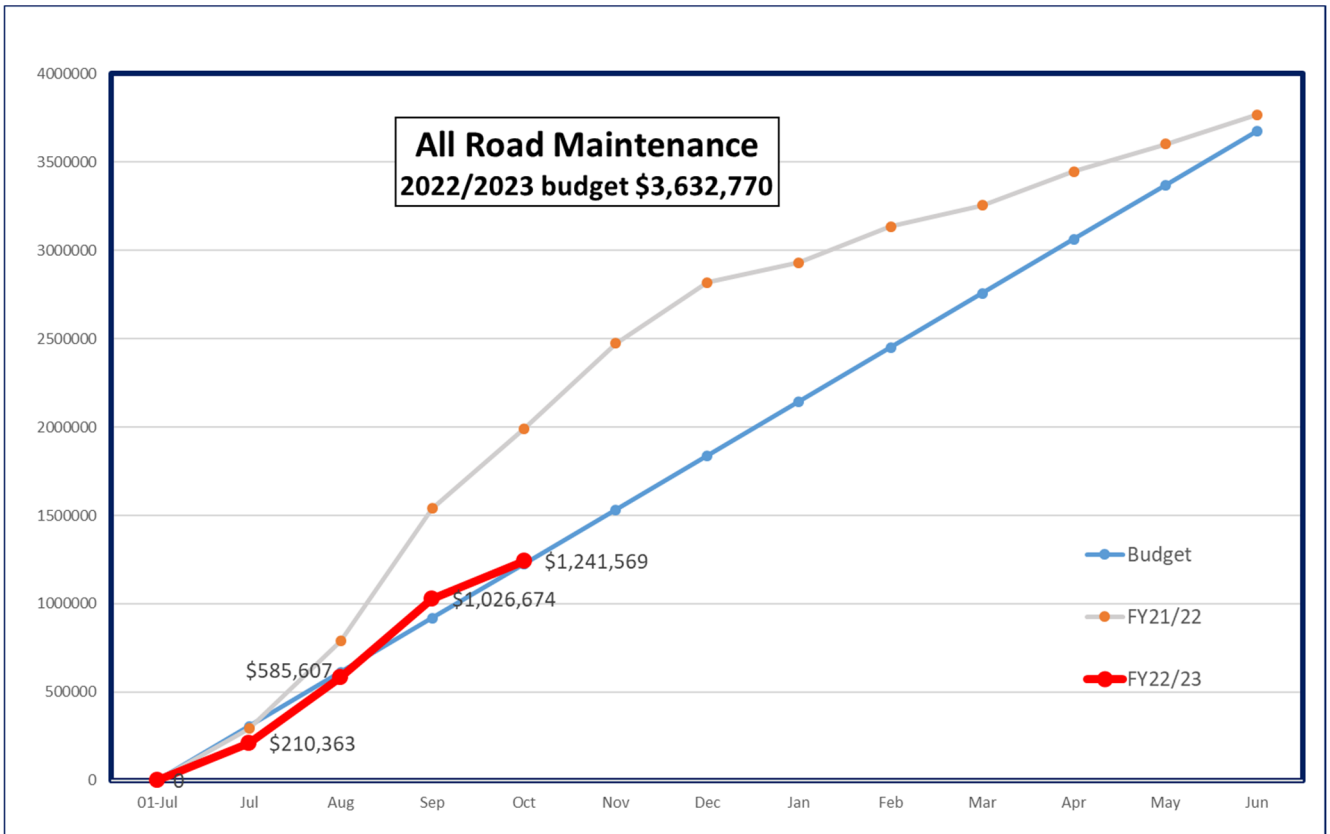
FINANCIAL UPDATE

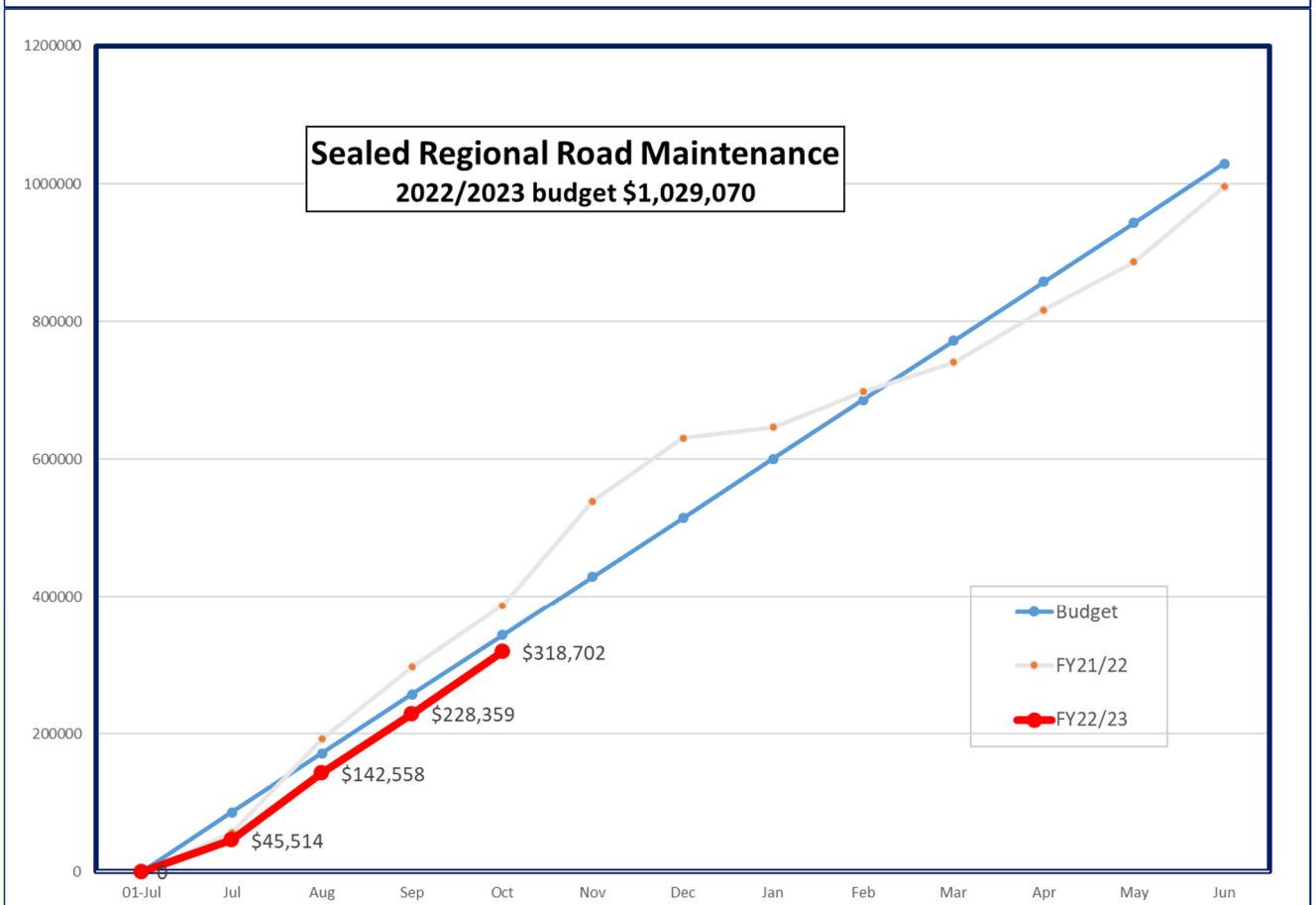
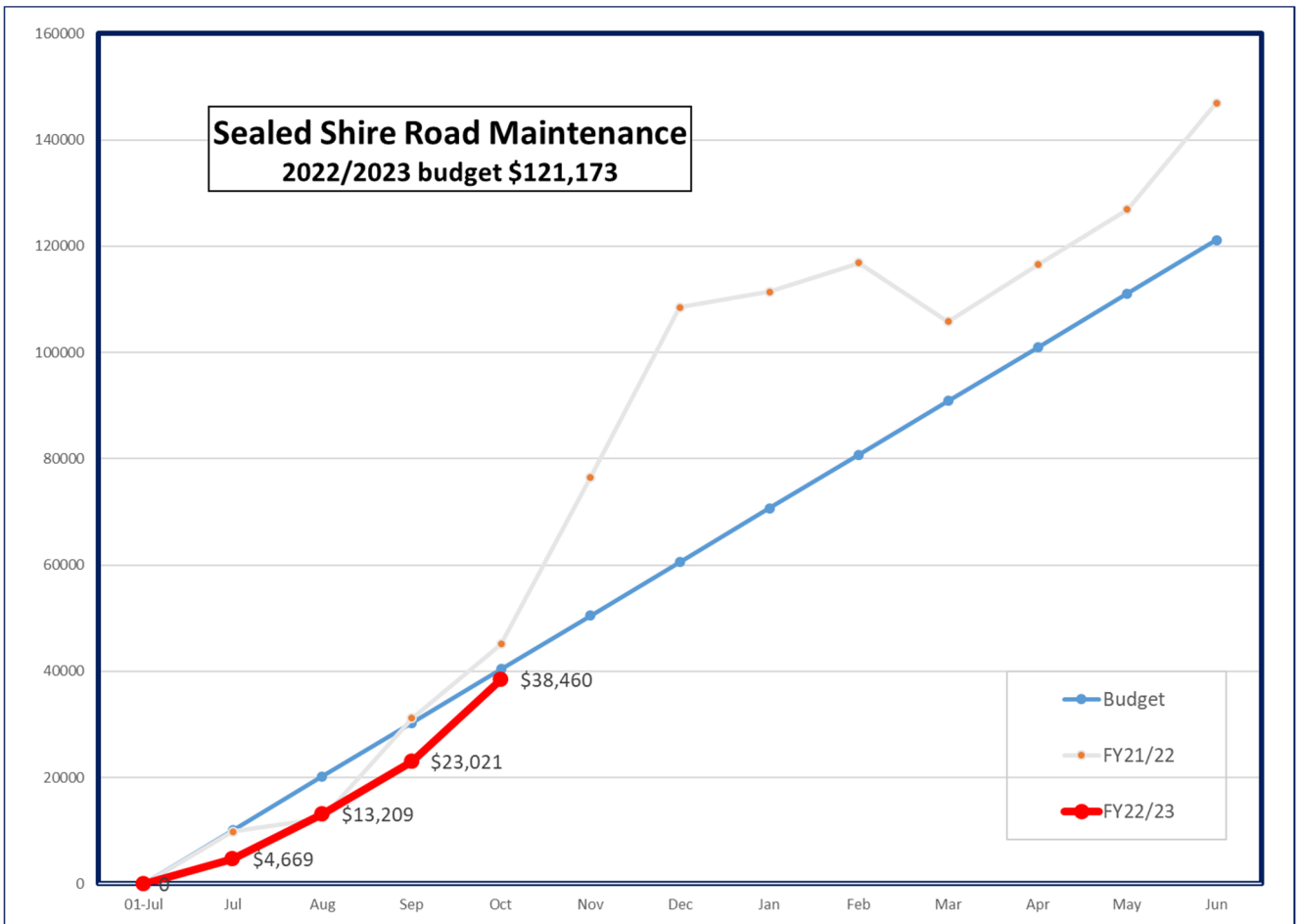
Expenditure on flood response/damage repairs up to the end of October is approx. \$280,000. This amount will rise quickly during November as many of Council's resources have been committed to flood response. It is too early to estimate the cost to restore the road network, however it is likely to be many millions of dollars.

CONSTRUCTION PROJECTS					
Regional Roads					
Project	Budget	Funding source	Expend to date	Forecast Expend	Comments
Regional Roads, reseals	\$438k	TfNSW Block Grant	\$0k	\$438k	Programmed for Q2
Regional Roads, heavy patching	\$50k	TfNSW Block Grant	\$0k	\$50k	Programmed for Q2
Regional Roads, culvert renewal	\$60k	TfNSW Block Grant	\$0k	\$60k	Programmed for Q3
MR 461 William St / MR 57S Lachlan St intersection reconstruction	\$274k	TfNSW Block Grant \$0k, RTR \$274k	\$0k	\$274k	Design still be finalized. Block grant funding to be determined
MR 371 Foster St, Lake Cargelligo, Lake St to Lorne St reconstruction	\$3.6m	RTR \$500k, State Government funding \$2,800k, LRCI \$300k	\$480k in FY21/22 \$473k in FY 22/23 Total \$953k	\$3.6m	Construction in Progress
MR 57N The Bogan Way, widening 28 km	\$3.5m	FCR \$2.686m, TfNSW Block Grant \$814k	\$965k in FY20/21, \$2.103k in FY21/22, \$54k in FY22/23 Total \$3.2m	\$3.5m	Jumble Plains Road intersection reconstruction will commence in Q3
MR 57S The Gipps Way, Nerathong Bridge replacement	\$2.808m	FCR \$2.387m, TfNSW Block Grant \$421k	\$89k in FY20/21, \$358k in FY21/22, \$28k in FY22/23 Total \$476k	\$2.808m	Construction of precast components in progress. Site work unlikely to start until 2023
MR 57S, MR 377, Condobolin Freight Betterment and Visitor Centre road works	\$1.203m FY20/21, \$8.196m FY21/22	Regional NSW funding \$5,971k, TfNSW Block grant \$1,553k, TfNSW Repair \$400k, RTR \$272k	\$1.235m pre 1 July 2021, \$2.41m in FY21/22, \$1.91m in FY22/23 Total \$5.56m	\$9.3m	Smythes culvert wingwalls will be installed after Lachlan River level falls
MR 461 Henry Parkes Way intersection upgrades, MR 7521 Kiacatoo Road and SR 340 Silos Road	\$516k	HVSPP \$258k, TFNSW Block Grant \$208k, Graincorp \$50k	\$102k in FY21/22, 185k in FY22/23 Total \$297k	\$516k	Kiacatoo Road intersection sealed
RR 7513 Lake Cargelligo Road seal widening 8 km	\$800k	Repair \$400k, Block \$400k	\$0k	\$800k	Construction programmed to start in Q3

CONSTRUCTION PROJECTS					
Local Roads					
Project	Budget	Funding source	Expend to date	Forecast Expend	Comments
Local road reseals	\$590k	FAG Roads \$140k, RTR \$450k	\$0k	\$590k	Program to be confirmed
Local roads gravel re-sheets					
SR 1187 Palesthan Road	\$200k	Special Rate Variation \$200k, RTR \$504k	\$0k	\$200k	Programmed for Q3
SR 45 Boona Road	\$160k		\$32k	\$160k	Work in progress
Remainder of program	\$344k		\$0k	\$344k	Program to be confirmed
Total	\$704k		\$32k	\$704k	
Maitland Street HV upgrade	\$1.51m	FRC \$765k, RTR \$745k	\$1,465k pre 1 July 2022, \$50k in FY22/23, Total \$1.52m	\$1.51m	Complete Last 200 metre will be resealed as part of local road reseals budget
SR 120 Merriboogie Road widen and reseal	\$1.4m	Fixing Local Roads \$1,260k, RTR 140k	\$649k in FY21/22	\$1.4m	Project will be recommenced in Q2
SR 230 Lachlan Valley Way, 10 km seal extension	\$1.3m FY21/22, \$700k FY22/23	Fixing Local Roads \$1.9m, RTR \$100k	\$649k in FY21/22, \$321k in FY22/23 Total \$970k	\$2.0m	Gravel cartage and pavement construction in progress. Project will be completed in FY22/23
Busby St/Harding Ave reconstruction	\$800k	Fixing Local Roads	\$23k in FY21/22	\$800k	Kerb and gutter replacement will commence in Q2
Condobolin School Precinct	\$1.68m	Fixing Local Roads \$1,360k, RTR \$50k, FAG Roads \$270k	\$660k in FY21/22, \$523k in FY22/23 Total \$1,183m	\$1.68m	McDonnell St sealing completed in October
Officers Parade upgrade	\$1.0m	Fixing Local Roads \$600k, RTR \$400k	\$169k in FY21/22	\$1.0m	Programmed for Q3
Lansdale Road widening and upgrade	\$400k	Roads to Recovery	\$0k	\$400k	Programmed for Q3
Willis Lane seal extension	\$400k	Roads to Recovery	\$0k	\$400k	Programmed for Q3

FUNDING SOURCES					
Funding Source	Amount	Contribution	% spent	Used by	Comments
Roads to Recovery	\$2.748m including revote	100% Federal grant	18.0%	30-Jun	Year 4 of five program.
TfNSW Block and Supplementary Grants	\$3.132m	100% TfNSW	18.0%	30-Jun	To be spent by 30 June 2023
TfNSW Traffic Facilities	\$148k	100% TfNSW	41.0%	30-Jun	
TfNSW repair	\$400k	100% TfNSW	0%	31-Jul	
FAG Roads	\$3.28m	100% Federal grant	37.0%		To reserve if not used by 30 June.





LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

CSP No. 3.1 Efficient transport networks that meet community and business needs.
Transport Asset Management Plan

CONCLUSION

Progress on restoring the road network following damage due to winter rain and flood damage continues to be a priority with focus on maintaining access and freight links to the majority of the community. Restoration of the rural road network in preparation for harvest traffic is a consideration. Resources also need to be allocated to construction projects to ensure council's commitments to funding bodies are met.

ATTACHMENTS

Nil

9 DECISION REPORTS

9.1 GENERAL MANAGER

Nil

9.2 CORPORATE AND COMMUNITY SERVICES

9.2.1 ADOPTION OF ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022

TRIM Number: R22/365

Author: Director - Corporate and Community Services

RECOMMENDATION

That:

1. The Director Corporate and Community Services Report No. R22/365 be received and noted.
2. The Annual Report 2021-2022 be adopted as presented.
3. The Lachlan Shire Council Annual Financial Statements and Audit Reports for the year ended 30 June 2022 be adopted as presented.

PURPOSE

The purpose of this report is:

- For Council to adopt the Annual Report for 2021-22. This provides approval for the Annual Report to be sent to the Minister for Local Government and the Office of Local Government;
- To inform Council that, in accordance with *Section 418 (3) of the Local Government Act 1993*, public notice was given that the Audited Annual Financial Statements of the Lachlan Shire Council for the period ending 30th June 2022 will be presented at the Ordinary meeting of Council on 23 November 2022; and
- To present Council's audited 2021-22 Financial Statements and Auditor reports as required by *Section 419 of the Local Government Act 1993*.

SUPPORTING INFORMATION

The Annual Report for 2021-22 along with the 2021-22 Financial Statements and Auditor Reports will be provided under separate cover. This is due to the size of the documents.

BACKGROUND

In accordance with the *Local Government Act 1993*, its associated regulations and the Integrated Planning and Reporting Guidelines (IP&R Guidelines) for Local Government in NSW, Council is required to prepare an Annual Report within five months after the end of the financial year. The Annual Report is one of the key points of accountability between Council and the community.

ISSUES AND COMMENTS

In accordance with the IP&R Guidelines, the Annual Report focuses on Council's implementation of the Delivery and Operational Plan as these reflect the specific 'work' for which Council is responsible.

Council lodged its audited modified (qualified) financial statements with the Office of Local Government on 28 October 2022, within the prescribed timeframe, as required by *Section 416 of the Local Government Act 1993*.

As expected and previously discussed with Council and the Audit, Risk and Improvement Committee (ARIC), a modified (qualified) audit opinion was received on the financial statements. The qualification related solely to the non-recognition of Rural Fire Service “red fleet” equipment. The non-recognition of Rural Fire Service equipment in Council’s statements is consistent with the direction adopted by Council, at its June 2022 Ordinary meeting in support of the LG NSW position and the recommendation of Council’s Audit Risk and Improvement Committee.

Audit opinions of NSW Councils, whether they be unmodified (the result we want) or modified (qualified) are reported to the NSW Parliament and displayed on the NSW Audit Office website via the Annual Report on Local Government.

The net operating surplus for 2021-22 of \$3.92m was slightly less than the 2020-21 year result of \$3.95m. The operating surplus was generated primarily from the General Fund.

The result was impacted by another large operating loss in the water business of \$1,316,000 however, this was less than the previous year loss of \$1,688,000. The sewer business reported an operating loss of \$227,000 however this was also considerably less than the \$372,000 loss in the 2020-21 year.

Grants and contributions revenue of \$40.1 million increased by \$10.7 million in 2021–22. This was predominantly due to:

- (a) receiving 75 per cent of the 2022-23 financial year allocation of financial assistance grants in advance (\$3.6 million increase); and
- (b) recognising \$9.1 million in capital grant funding for Council’s water business which included \$8.8 million for the Condobolin Drought Water Security Project.

Council met 6 out of the 7 Office of Local Government (OLG) benchmarks. Council continues to remain below the OLG’s Own Source Operating Revenue ratio of 60%. This is due to the proportionally high level of grants and contributions received by Council. This means Lachlan Shire, like many other rural Councils, is highly dependent on grant funding. Council’s ratio continues to decline although this is not unexpected due the high level of grant funding offered during the COVID-19 period.

Section 419 of the Local Government Act provides that:

A council must present its audited financial statements, together with the auditor’s reports, at a meeting of the council to be held on the date fixed for the meeting.

The council’s auditor may attend the meeting at which these reports are presented and the external auditor, Leanne Smith from Intentus, will present to Council at this meeting via Zoom on the conduct of the audit and Council’s financial results.

All legislative requirements were met within prescribed timelines.

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial and resource implications for this report. However, due to the untimely request of the NSW Audit Office in relation to indexing assets to bring up to current cost, there will be an unbudgeted increase in depreciation. This was due to the sudden and unexpected rise in inflation. This will potentially impact all councils, not only Lachlan Shire. The quantum of the increase in depreciation is yet to be determined.

LEGAL IMPLICATIONS

As outlined in *Clause 217 of the Local Government (General) Regulation 2021*, Council is required to adopt an Annual Report and submit it to the Minister for Local Government and the Office of Local Government. In lodging its financial statements and providing a copy to this meeting, Council has complied with its statutory obligations under the *Local Government Act 1993*.

RISK IMPLICATIONS

None identified.

STAKEHOLDER CONSULTATION

NSW Audit Office

Intentus – external auditors

Audit, Risk and Improvement Committee (ARIC) – 23 November 2022 meeting.

Council is required by legislation to advertise its audited financial statements and audit reports. It is also required to make copies available for inspection at Council's Condobolin and Lake Cargelligo Administration Offices and to display them on Council's website. This has already been actioned.

In accordance with *Section 420 of the Local Government Act 1993*, any person may make a submission in writing to Council with respect to the audited financial statements or the auditor's reports. Submissions will close on 16th November 2022 which is in compliance with the legislative time of 7 days after public notification. Any submissions received will be provided to and discussed with management, council's external auditors and the ARIC. Any submissions received will be referred to Council under separate cover. A copy of the public exhibition document is included as an attachment for Council's information.

OPTIONS

None.

CONCLUSION

It is recommended that the audited financial statements and auditor reports for the year ended 30 June 2022 and the Annual Report 2021-22 be adopted by Council (as presented).

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

Outcome 4.2.1: Council is financially sustainable and provides services at a level expected by the community.

ATTACHMENTS

1. **Public notice Annual Accounts 2022**
2. **Report on the Conduct of the Audit - audit opinion**

9.2.2 DONATIONS

TRIM Number: R22/366

Author: Administration Officer - Corporate & Community Services

RECOMMENDATION

That:

1. The Director of Corporate and Community Services Report No. R22/366 be received and noted.
2. Council provide a donation of \$100 to Lake Cargelligo Central School for their annual school presentation.
3. Council authorise the General Manager to approve any similar requests, up to the value of \$100, from Lachlan Shire schools for support toward their annual school presentations.

PURPOSE

Council is asked to consider requests for monetary and in-kind support for community events to be held in the 2022/2023 financial year.

SUPPORTING INFORMATION

A copy of the requests for donation are included as an attachment.

BACKGROUND

Throughout the year Council receives requests from individuals, community groups and sporting clubs for financial and in-kind support. This support may promote the liveability of the shire or enable residents to undertake representation in their chosen sport or activities outside of the shire.

ISSUES AND COMMENTS

Lake Cargelligo Central School

Lake Cargelligo Central School are requesting a donation for their annual presentation day on 18 December 2022. They have not asked for any particular amount but Council have donated \$100 since 2017.

Other Schools

Similar to the Council resolution from November 2021, Council could again authorise the General Manager to approve any similar requests, from other schools in the Lachlan Shire area, for support toward their annual school presentation, up to the value of \$100. In the 2021 year, Council received requests for and paid donations of \$100 to Tullibigeal Central School, Condobolin High School and Tottenham Central School.

FUTURE DONATIONS

Rotary Club of Condobolin Incorporated \$1,500 – waiting on form for over \$1,000 donations.

2023 NAIDOC Week School initiatives.

FINANCIAL AND RESOURCE IMPLICATIONS

A provision was made in the FY2022/2023 budget to provide cash and in-kind support for Community events and general donations. There is \$22,053 available in the elected member's general donations budget.

LEGAL IMPLICATIONS

There are no known legal implications.

RISK IMPLICATIONS

There is reputational risk for Council when making decisions to approve or not to approve particular requests.

STAKEHOLDER CONSULTATION

November 2022 Strategic Briefing – Council provided in principle support for a donation of \$100 for Lake Cargelligo Central School, and in addition, up to \$100, for any other Lachlan Shire school that makes a request.

OPTIONS

1. Provide the full amount of the requested donation.
2. Decline the full amount of the requested donation.
3. Vary the amount of the donation.

CONCLUSION

Council is asked to consider and make a resolution on the amount of any donation it wishes to provide.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

CSP 4.2.1 Council is financially sustainable and provides services at a level expected by the community.

ATTACHMENTS

1. **Lake Cargelligo Central School**
2. **Donations to 141122**

9.2.3 QUARTERLY BUDGET REVIEW 1 2023 FY**TRIM Number: R22/374****Author: Finance Accountant****RECOMMENDATION**

That

1. The Director Corporate and Community Service Report No. R22/374 be received and noted.
2. The Quarterly Budget adjustments including reserve movements be adopted as presented.

PURPOSE

To provide Council with a quarterly review of the Operational Plan budget as at 30 September 2022, as required by the *Local Government (General) Regulation 2021*.

SUPPORTING INFORMATION

A copy of Council's Quarterly Budget adjustments, projected results and proposed reserve balances are included as attachments.

In addition, as previously requested by Council, CDRV reserve movements and the unallocated balance of each location is provided in this report.

BACKGROUND

The *Local Government (General) Regulation 2021* requires the Council to prepare and consider a budget review statement each quarter (aside from June), which shows:

- Estimates of Income and Expenditure
- Any relevant revisions of these estimates

This review is completed in consultation with the responsible Director or Manager of the relevant department.

The statement must comply with the Local Government Code of Accounting Practice and be considered by the Council no later than 2 months past the conclusion of the quarter.

ISSUES AND COMMENTS

Council staff have completed a review of the 2022-2023 budget to identify:

- Budget variations;
- Council resolutions impacting on budget; and
- Information that has become available since the adoption of the current year's budget which is not currently reflected in the 2022-2023 Operational Budget.

The actual year to date operating result as at 30 September 2022 shows an operating gain of \$9.9M before capital income. This result should be tempered by acknowledging that rating revenue is recognised at the beginning of the year when rates notices are levied. It is important to note that this is not rates revenue (income) received, it is the rates notices issued.

Fees and charges income is lower than expected but this is predominantly due to the fact the Council now reads water meters less frequently. As set out in the Making the Rates report, meter reading, from 1 July 2022, went from a quarterly cycle to 3 readings per year. This is to reduce administration costs. Water meter reading round one has been further delayed and is unable to progress due to flooding. Council has also engaged a contractor Skilled Tech to read the meters, rather than employing casual staff, as it became increasingly difficult to fill these roles.

Council's expected net financial position as at 30 June 2023, after the proposed budget amendments, is reflected in **Attachment 1**, along with the actual financial results for the period ended 30 September 2023. This quarterly review shows an operating budget gain of \$505k before capital income, which is mainly attributable to the Financial Assistance Grant.

Significant variances have been summarised below, please refer to **Attachment 2** for individual line items:

- Operating grants - The Financial Assistance Grant was greater than estimated by \$411K
- Capital grants – budget has increased by \$553K predominantly due to bringing in projects approved under the Local Roads and Community Infrastructure Phase 3 grant.
- Operating Expenditure - \$240K has been brought in for the grant funded Community Events Program, \$110,000 has been allocated for the Sale of Land for Unpaid rates process, \$145k for the Officers Parade sewer pumping station design, and \$170k has been allowed for hazard reduction based on the NSW Rural Fire Service program for 2023.

Overall, actual operating expenses are within acceptable ranges as at 30 September 2022 at 24.1%, with 25% of the financial year elapsed.

REPORT BY RESPONSIBLE ACCOUNTING OFFICER

The following statement is made in accordance with Clause 203(2) of the *Local Government (General) Regulation 2021*:

Council's projected financial position as reflected in QBR1 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

LEGAL IMPLICATIONS

Nil to this report

RISK IMPLICATIONS

There are financial risks with projecting budgeted income and expenditure as unexpected variances can occur. These can be mitigated by careful management of costs.

STAKEHOLDER CONSULTATION

Council officers with budgetary responsibilities have been consulted in identifying these budget variations.

OPTIONS

That Council approve the budget variations as listed in the Quarterly Budget Review (1) adjustment documents.

CONCLUSION

Council's financial position remains reasonable. Future reviews will consider the impact of the current flooding, on costs across the Shire.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

CSP: 4.2 - Strong effective and Responsive Council

Delivery Program Action 4.2.1 - Council is financially sustainable and provides services at a level expected by the community.

ATTACHMENTS

1. **Operational Plan Budget and results as at 30 September 2022.**
2. **QBR 1 Summary of adjustments**
3. **Reserve Balances as at 30 September 2022**
4. **CDRV Reserve Balances as at 30 September 2022**

9.3 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT

9.3.1 AMENDED SECTION 7.12 CONTRIBUTIONS PLAN

TRIM Number: R22/282

Author: Manager- Town Planning

RECOMMENDATION

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/282 be received and noted.
2. The amended Section 7.12 Contributions Plan be placed on public exhibition for a period of no less than 28 days and public submissions be invited on the draft plan.
3. A further report be presented to Council, following the public exhibition of the amended Section 7.12 Contributions Plan, detailing any submissions received during the public exhibition period and to allow Council to consider the adoption of the amended plan.

PURPOSE

The purpose of this report is to request that Council place the draft “Lachlan Section 7.12 Contributions Plan” on public exhibition for a period of at least 28 days.

SUPPORTING INFORMATION

Draft Lachlan Section 7.12 Contributions Plan

BACKGROUND

Section 7.12 of the Environmental Planning and Assessment Act 1979 allows a levy, based on a percentage of the development cost, to be imposed when a development consent or complying development certificate is issued. Levies paid to Council are applied towards the provision, extension or augmentation of public facilities, or towards recouping the cost of their provision, extension or augmentation. However, those projects need to be specifically listed in a contributions plan.

Council’s Section 7.12 (formerly Section 94A) Contribution Plan (“the plan”) commenced 8 July 2015 and applies to all land within the local government area of Lachlan Shire Council. The levies, under the plan, are calculated as a percentage of the cost of development as follows:

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 percent
More than \$200,000	1.0 percent

For example, if the cost of a development is \$500,000, the levy is \$5,000 (\$500,000 x 0.01 = \$5,000).

The maximum percentages of the cost that can be imposed as a levy are specified in clause 209 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation). The levy can only be imposed by a council if a council has a section 7.12 (s7.12) development contributions plan in place.

The plan enables Council to provide high quality and diverse public amenities and services to achieve the above actions and as a consequence meet the expectations of the existing and future residents of the Lachlan Shire.

Council has been collecting funds under the plan and have been receiving approximately \$60,000 annually from the fund. There was a balance in the reserve of approximately \$334,000 in July this year. However with transfers to and from reserves this will be reduced this year to \$256,226. In addition, several development approvals have been issued with conditions requiring the payment of a contribution prior to commencement of works however, these are yet to be paid.

Pursuant to Clause 212 of the EP&A Regulation, the plan must include “a works schedule that contains an estimate of the cost and staging of the public amenities and public services”. Schedule 1 of the plan includes a works schedule. Each project has been assigned a priority being either short (1-2 years), medium (3-4 years) or long term (5-10 years).

The Plan has only been amended twice, firstly in 2018, to adjust the title from Section 94A to Section 7.12 to correspond with changes in legislation.

Secondly on 25 August 2021, to provide a realistic and up-to-date set of projects, as it had a total of \$8.177 million in projects to complete over the 10 year period. The funds collected did not match the projects listed for completion. Also the majority of the projects listed in the plan had been completed with funding from other sources.

As part of the second amendment, the Plan was also amended to be consistent with the Department of Planning, Industry and Environment (DPIE) practice note issued February 2021, which outlined in detail requirements for Section 7.12 fixed development consent levies.

ISSUES AND COMMENTS

Contributions plans are prepared on the basis of Council’s assessment of the community’s needs and priorities as the Shire develops. They are prepared at a point in time based on information that is available at that time. Just as the community is dynamic, Council’s various plans need to be reviewed as the community’s needs change or are better understood. As more detailed strategy and action planning is undertaken, service plans and capital works programs are refined to better align with the community’s needs, expectations and aspirations.

Council’s Section 7.12 Contribution Plan is to resemble one that is ongoing and achievable. Individual projects of a significant value, over \$300,000, are not recommended or appropriate given the current rate of accumulation and they are better achieved through other funding sources.

A summary of the amendments, to Schedule 1 “Works Schedule”, including the three (3) additional public facilities are outlined below (with those recommended for addition shown in **BOLD** and those recommended for deletion shown in ~~strikethrough~~):

ITEM	PARKS	EXPENDITURE	STAGING
D	Burcher Park Playground	\$20,000	Medium Term
D	Hannah Mahon Park, Fifield Improvements	\$11,400	Medium Term

D	Albert Park Improvements	\$16,200	Medium Term
.		\$20,000	Short-Medium
D	Tullibigeal Park	\$40,000	Term

ITEM	PUBLIC FACILITIES	EXPENDITURE	STAGING
		\$200,000	
1	Gumbend Lake Walking Track		Short Term
2	Gumbend Lake BBQ and Amenities	\$30,000	Short Term
3	Lake Cargelligo Pool Facility	\$100,000	Short-Medium Term
3	Tottenham Township Improvements	\$50,000	Short-Medium Term
4	Condobolin SRA Facilities		Short Term
	Condobolin Visitor Information Centre	\$100,000	
5	Precinct	\$100,000	Short Term
	Lake Cargelligo Township		Short-Medium
6	Improvements	\$300,000	Term

Items 1 and 2 of the Plan, are yet to be finalised but are being undertaken at Gum Bend Lake however, work will be delayed due to flooding.

The Plan is consistent with the Department of Planning, Industry and Environment (DPIE) practice note issued February 2021, which outlined in detail the requirements for Section 7.12 fixed development consent levies.

FINANCIAL AND RESOURCE IMPLICATIONS

Details on the current Section 7.12 reserve have been provided above. The amended Section 7.12 Contributions Plan has been prepared within existing budgets and will have no financial implications for Council.

LEGAL IMPLICATIONS

The Environmental Planning and Assessment Act (and Regulation) sets out the legislative requirements for the making of amended development contribution plans. The recommended amendments have taken this legislation into account.

Under Section 215 of the *Environmental Planning and Assessment Regulation 2021*:

(5) A council may make the following kinds of amendments to a contributions plan without preparing a new contributions plan—

(a) *minor typographical corrections,*

(b) *changes to the rates of development contributions set out in the plan to reflect quarterly or annual variations to—*

(i) readily accessible index figures adopted by the plan, such as the Consumer Price Index, or

(ii) index figures prepared by or on behalf of the council from time to time that are adopted by the plan,

(c) the omission of details of works that have been completed.

As the changes to the Plan don't meet the above criteria, Council can still amend their existing plan, however it will be subject to the processes under Division 3 of the of the *Environmental Planning and Assessment Regulation 2021* (i.e. Public exhibition). This position has been clarified with the Department of Planning and Environment.

A contributions plan comes into effect on the date that notice of the council's decision to approve the plan is published on its website, or on a later date specified in the notice. Council's decision will need to be published on Council's website following the decision.

Should Council not wish to proceed with the plan a notice must also be published to advise the public that the plan will not proceed. Pursuant to Clause 31(3) of the *Environmental Planning and Assessment Regulation 2021*, notice of a decision not to proceed with a contributions plan must include the council's reasons for the decision.

RISK IMPLICATIONS

While from recent Census data it is suggested that the Shire's population is static or declining provision still needs to be made for additional or improved public facilities and infrastructure to meet the existing demand.

Amending the plan will enable Council to provide high quality and diverse public amenities and services to achieve the actions in the plan and as a consequence meet the expectations of the residents of the Lachlan Shire.

STAKEHOLDER CONSULTATION

It is proposed that the Section 7.12 Contributions Plan be placed on public exhibition for a minimum of 28 days in accordance with Council's Community Participation Plan.

The amended Section 7.12 Contributions Plan will be available for comment on Council's website and a media release will be placed in each of the local newspapers and in Talking Tottenham. Social media will also be used to advertise the exhibition of the draft policy and how the public can comment on the draft policy.

The outcomes of the exhibition will provide feedback to assist Council in the finalisation of the amended Section 7.12 Contribution Plan.

OPTIONS

1. Decide to exhibit the amended Section 7.12 Contributions Plan, as attached, for a minimum period of 28 days.
2. Decide to make changes to the amended Section 7.12 Contributions Plan and then exhibit the amended plan for a minimum period of 28 days.
3. Decide not to proceed with the amendments to the Section 7.12 Contributions Plan.

CONCLUSION

Section 7.12 of the Environmental Planning and Assessment Act 1979 allows a levy, based on a percentage of the development cost, to be imposed when a development consent or complying development certificate is issued.

Council's Section 7.12 Contribution Plan ("the plan") commenced 8 July 2015 and applies to all land within the local government area of Lachlan Shire Council. It has only been updated twice since being adopted and regular reviews are required to ensure the plan is consistent with the community's aspirations.

Amendments are now proposed to the Lachlan Section 7.12 Contribution Plan, to provide three (3) additional public facilities in the Plan, with expenditure allocations in Council's works program, which reflects Council's and the communities current priorities.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

4.2 Strong effective and Responsive Council

ATTACHMENTS

- 1. Draft Lachlan Section 7.12 Contributions Plan**

9.3.2 DEVELOPMENT DATA OCTOBER 2022

TRIM Number: R22/373

Author: Manager- Town Planning

RECOMMENDATION

That:

1. The Director Environment, Tourism and Economic Development Report No. R22/373 be received and noted.

PURPOSE

This report is to provide Council with information in relation to development activity occurring within the Shire during October 2022.

SUPPORTING INFORMATION

Council’s Development Data.

BACKGROUND

During the month of October 2022 there were five (5) applications lodged with a value totalling \$1,464,035. Four (4) approvals were issued within this time.

Development Applications and Complying Development Certificates Approved in October 2022.

Approval Number	Development Description	Location	Value	Delegated Authority/Council
DA 2022/31	Bus Depot	30 Walker Street, Lake Cargelligo	\$3,000	Delegated Authority
DA 2022/32	Construction of Carport and Shed	112 Grace Street, Lake Cargelligo	\$19,800	Delegated Authority
DA 2022/40	Installation of School Information Sign	27 William Street, Condobolin	\$26,500	Delegated Authority
DA 2022/41	Temporary Use of Land – Oktober Fest Event	Tasker Street, Condobolin	\$0	Delegated Authority
TOTAL No. OF APPROVED DEVELOPMENTS	4		\$49,300	

Comparison to Previous Year: Applications Approved October 2021Total ***Number*** of Applications ***approved in October 2021***: 4Total ***Value*** of Applications ***approved for October 2021***: \$2,297,708***Development Applications and Complying Development Certificates Received in October 2022.***

Development Identifier	Development Description	Location	Value
DA 2022/41	Temporary Use of Land – Oktober Fest Event	Tasker Street, Condobolin	\$0
DA 2022/44	Alterations & Additions to Existing Dwelling	2 Lake Street South, Lake Cargelligo	\$470,500
DA 2022/45	Rural Dwelling	21 Weja Road, Tullibigeal	\$890,000
DA 2022/46	Construction of Rural Building - Workshop	12 McGregor Street, Condobolin	\$30,000
DA 2022/47	Installation of Swimming Pool	101 Officers Parade, Condobolin	\$73,535
TOTAL	5		\$1,464,035

Comparison to Previous Year: Applications Received October 2021Total Number of Applications ***received in October 2021***: 5Total Value of Applications ***received for October 2021***: \$261,170**ISSUES AND COMMENTS**

A total of nineteen (19) approvals have been issued this financial year at an average of 24 days, which is within the legislative timeframe for approvals and well below the average net days taken to determine a DA across all NSW Councils.

FINANCIAL AND RESOURCE IMPLICATIONS

No foreseeable issues.

LEGAL IMPLICATIONS

All fees associated with the applications referred to herein have been paid.

RISK IMPLICATIONS

Council has assessed all applications against relevant legislation to minimise Council's exposure to risk.

STAKEHOLDER CONSULTATION

Regular consultation and engagement with applicants of Development Applications and Complying Development Certificates occurs during the pre-lodgement, assessment and approval stages of each application in line with legislation and Council's planning instruments. Council also often engages with the community and adjoining owners in respect of applications.

OPTIONS

1. Receive and note the report.

CONCLUSION

Development Application and Complying Development Certificate approved data reveals a total development value of \$3,250,531 for applications approved in the 2022/2023 financial year.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

Build Civic Leadership and Pride

Community Strategic Plan - 4.2 Strong Effective Responsive Council.

ATTACHMENTS

Nil

9.3.3 PROPOSED REZONING AND AMENDMENT TO MINIMUM LOT SIZE - 60 BOONA ROAD CONDOBOLIN**TRIM Number: R22/379****Author: Manager- Town Planning****RECOMMENDATION**

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/379 be received and noted.
2. Council formally endorse the NSW Department of Planning and Environment proposal to create a State Environmental Planning Policy (SEPP) to amend the Lachlan Local Environmental Plan (LEP) 2013 to rezone 60 Boona Road, Condobolin, RU5 Village with a minimum lot size of 600 square metres.

PURPOSE

The purpose of this report is to obtain Council endorsement of a NSW Department of Planning and Environment proposal to create a State Environmental Planning Policy (SEPP) to amend the Lachlan Local Environmental Plan (LEP) 2013 on Lot 280 in DP 752080, known as 60 Boona Road, Condobolin. The proposed amendment will rezone the site to RU5 Village and reduce the minimum lot size to 600 square metres, provided water and sewer reticulation services are provided to the created allotments.

SUPPORTING INFORMATION

Lachlan Local Environmental Plan 2013 – Proposed Zoning and Lot Size Maps – Sheet 10A

BACKGROUND

Council were contacted in writing by the Housing Delivery section of the NSW Department of Planning and Environment (DPE) on 2 November 2022, in regards to the rezoning and reduction of the minimum lot size at 60 Boona Road, Condobolin. This property is a portion of land currently owned by the Condobolin Local Aboriginal Land Council. There are currently five (5) dwellings on the site.

Under the Lachlan Local Environmental Plan 2013 (LLEP 2013), 60 Boona Road, Condobolin is currently zoned R5 Large Lot Residential with a minimum lot size of 2 hectares. DPE believes that the current zoning and minimum lot size does not reflect the current use of the land, or allow for subdivision to occur without a planning proposal being lodged.

DPE are looking at opportunities through “The Roads to Home program”, which is seeking to deliver essential civil infrastructure and road upgrades to enable land subdivision in Aboriginal communities.

Due to time constraints imposed by DPE, the matter was presented to Councillors at the Strategic Briefing Meeting on 9 November 2022 and through a subsequent email on the matter. All Councillors indicated support for the proposal. On 14 November 2022, DPE were informed of Council’s support in writing.

ISSUES AND COMMENTS

DPE has proposed to implement a State Environmental Planning Policy (SEPP) to amend LLEP 2013 to address the issue they have identified at 60 Boona Road, Condobolin, as part of “The Roads to Home” program. It is proposed that the SEPP will amend the zoning for the entire site from R5 Large Lot Residential to RU5 Village and change the minimum lot size from 2 hectares to 600 square metres.

The changes will be facilitated by amending maps LZN_010A and LSZ_010A of LLEP 2013. The proposed maps are provided in **Attachment 1**. A clause will be added to LLEP 2013 that will only allow subdivision if the lots are (or will be) connected to a water reticulation system and a sewage reticulation system.

These proposed amendments will not circumvent future planning pathways for subdivision or building. If the SEPP is made which amends LLEP 2013, a development application will still need to be prepared and submitted for any proposed subdivision or buildings, with the development application needing to be accompanied by relevant technical studies.

There would be no public exhibition of the SEPP, as the amendments are proposed to ensure zoning and development standards reflect the existing uses at the site. Consultation has occurred directly with Lachlan Shire Council and the Local Aboriginal Land Council.

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial implications to Council. Any future connection of services to the allotments would be the responsibility of the applicant.

LEGAL IMPLICATIONS

Under the *Environmental Planning and Assessment Act 1979* the Minister may initiate an amendment to LLEP 2013 via a State Environmental Planning Policy (SEPP).

These proposed amendments will not circumvent future planning pathways for subdivision or building.

RISK IMPLICATIONS

Nil

STAKEHOLDER CONSULTATION

As outlined above, Council were contacted in writing by the Housing Delivery section of the NSW Department of Planning and Environment (DPE) on 2 November 2022. Drafting of the proposed SEPP needed to be completed by 14 November 2022 for consideration of the Minister in early December.

There will be no public exhibition of the SEPP, as DPE believes that the amendments are proposed to ensure zoning and development standards reflect the existing uses at the site. Consultation has occurred directly with Lachlan Shire Council and the Local Aboriginal Land Council.

The matter was presented to Councillors at the 9 November 2022 Strategic Briefing meeting, with a subsequent email on the matter issued on 10 November 2022. As a result of this all Councillors indicated support of the proposal. On 14 November 2022, DPE were formally informed of Council’s support.

OPTIONS

1. Formally endorse the NSW Department of Planning and Environment proposal to create a State Environmental Planning Policy (SEPP) to amend the Lachlan Local Environmental Plan (LEP) 2013 at 60 Boona Road, Condobolin, being Lot 120 DP 752080, to RU5 Village with a minimum lot size of 600sqm.
2. Decide that Council will not formally endorse the NSW Department of Planning and Environment proposal to amend the Lachlan Local Environmental Plan 2013 at 60 Boona Road, Condobolin, being Lot 120 DP 752080 and inform the NSW Department of Planning and Environment of this in writing.

CONCLUSION

This report seeks Council's formal endorsement of the NSW Department of Planning and Environment proposal to create a State Environmental Planning Policy (SEPP) to amend the Lachlan Local Environmental Plan (LEP) 2013 on Lot 280 in DP 752080, known as 60 Boona Road, Condobolin. The proposal includes rezoning the site to RU5 Village and reduction in the minimum lot size to 600sqm.

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

CSP No. 4.2 – Strong effective and responsive Council

ATTACHMENTS

1. **Lachlan Local Environmental Plan 2013 - Proposed Zoning and Lot Size Maps**

9.4 INFRASTRUCTURE SERVICES

Nil

10 DEPUTATIONS

11 NOTICES OF MOTION

Nil

12 NOTICES OF RESCISSION

Nil

13 DELEGATES REPORT

Nil

14 CORRESPONDENCE**14.1 CORRESPONDENCE****TRIM Number: R22/386****Author: General Manager****RECOMMENDATION**

That:

1. The Correspondence Report No. R22/386 be received and noted.

PURPOSE

To provide Council with details of correspondence received in the month of November.

SUPPORTING INFORMATION

Correspondence was received from:

The Hon. Wendy Tuckerman MP – Resolution of the 2022 LGNSW Special Conference.

The Hon. Kevin Anderson MP – Response to letter regarding funding models for local water utilities.

Murray Darling Association – 2022 Motions progress

Dr John Vallance - Public Library funding

LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

CSP 4.2 Strong effective and responsive Council.

ATTACHMENTS

1. **The Hon. Wendy Tuckerman MP - Resolutions of the 2022 LGNSW Special Conference**
2. **The Hon. Kevin Anderson MP - Funding models for LWU**
3. **MDA - 2022 Motions Progress**
4. **Library funding**

15 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

16 PETITIONS

Nil

17 CLOSED SESSION**RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

17.1 Appointment of Audit, Risk & Improvement Committee Independent Member

This matter is considered to be confidential under Section 10A(2)a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

17.2 Proposed debt recovery Assessment Number 1001925

This matter is considered to be confidential under Section 10A(2)b of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with discussion in relation to the personal hardship of a resident or ratepayer.

17.3 Sale of Land for Unpaid Rates Under Section 713 of the Local Government Act 1993.

This matter is considered to be confidential under Section 10A(2)a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

17.4 Tottenham Caravan Park - Use of Dwelling for accommodation

This matter is considered to be confidential under Section 10A(2)c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

17.5 Albert Golf Club - Assessment 1043090 - Outcome of request for Non Rateable Status

This matter is considered to be confidential under Section 10A(2)a and b of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors) and discussion in relation to the personal hardship of a resident or ratepayer.

17.6 ARIC Minutes - February & June 2022 meetings

This matter is considered to be confidential under Section 10A(2)g of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

17.7 Interim Audit Management Letter 2022

This matter is considered to be confidential under Section 10A(2)f of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

17.8 Tender Negotiations - Scott Street Upgrade

This matter is considered to be confidential under Section 10A(2)c and di of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.