

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 19 MAY 2022

PRESENT: Mayor Cr P Kensit, Cr P Culhane, Cr D O'Brien, Cr J Searl, Cr M McDonald, Cr N McDonald, Cr S Reynolds, Cr L Woodbridge, Ms C Worthy (General Manager), Mr A Croke (Director Finance and Administration), Mr D Rowe (Acting Director of Infrastructure), Ms A Waldron (Director of Environment & Planning), Ms S Pearman (Administration Officer) and Mr C Gordon (Media Officer)

VIDEO: Cr J Marshall

THE MAYOR DECLARED THE MEETING OPEN AT 1:30pm

SECTION 1: NOTICE OF WEBCASTING/AUDIO RECORDING OF MEETING

Mayor Kensit advised that the meeting is being webcast live and audio recorded in accordance with Council Code of Meeting Practice.

SECTION 2: APOLOGIES & LEAVE OF ABSENCE

There were no apologies.

SECTION 3: CITIZENSHIP CEREMONY

Nil

SECTION 4: DECLARATIONS OF INTEREST

Clr D O'Brien declared a Pecuniary Interest in Items 19.1 Tender for North Crookwell Stormwater Project, Item 19.2 Tender for Robertson Lane, Crookwell and Item 19.3 Tender for Boiler Hill Reids Flat Road as he is an employee of Divalls Earthmoving, and will leave the Chamber upon making the declaration.

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SECTION 5: CONFIRMATION OF MINUTES

ITEM 5.1 **RESOLVED** by Cr Searl and Cr Woodbridge
92/22

That the minutes of the Ordinary Council Meeting held on 21 April 2022 be adopted.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

SECTION 6: MAYORAL MINUTES

ITEM 6.1 **MAYORAL MINUTE**
93/22 **RESOLVED** by Cr M McDonald and Cr Woodbridge

That Council receive and note the activities attended by the Mayor for April and May 2022.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC

Nil

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SECTION 8: CORRESPONDENCE

ITEM 8.1 CORRESPONDENCE FOR THE MONTH OF MAY 2022

94/22

RESOLVED by Cr Searl and Cr Woodbridge

That Item 8.1 - [Correspondence/Information] listed below be received:

1. Office of Local Government – Circular 22-09 – Councils obligations under Modern Slavery Act 2018.
2. Office of Local Government – Circular 22-10 – Local Government Amendment Act 2021 – Rating Reform.
3. Office of Local Government – Circular 22-11 – Misuse of Council Resources.
4. Office of Local Government – Circular GC151 – 2022-23 Financial Assistance Grants – advance payment.
5. Hon Wendy Tuckerman MP – One-off grant payment to offset increase in Emergency Services Levy.

- CARRIED

Councillors who voted for:-

Crs P Culhane, P Kensit, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

SECTION 9: LATE CORRESPONDENCE

Nil

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SECTION 10: INFORMATION ONLY

ITEM 10.1 DEVELOPMENT STATISTICS REPORT

95/22 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council receives and notes the report as information.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
Marshall, M McDonald, N
McDonald, D O'Brien, S
Reynolds, J Searl and L
Woodbridge

Councillors who voted against:- Nil

ITEM 10.2-10.8 INFORMATION ONLY ITEMS

96/22 **RESOLVED** by Cr Searl and Cr N McDonald

1. Council receives and notes items 10.2 to 10.8 as information.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
Marshall, M McDonald, N
McDonald, D O'Brien, S
Reynolds, J Searl and L
Woodbridge

Councillors who voted against:- Nil

REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 11: ENVIRONMENT AND PLANNING

Nil

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SECTION 12: INFRASTRUCTURE DEPARTMENT

Nil

SECTION 13: FINANCE AND ADMINISTRATION

ITEM 13.1 QUARTERLY BUDGET REVIEW STATEMENTS - 3RD QUARTER 2021/2022

97/22 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council endorse the 3rd Quarter Budget Review Statements for 2021/2022, as at 31 March 2022, including revotes of income and expenditure to the Operational Plan; and
2. Council endorses the Operational Plan Performance Summary Report.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

ITEM 13.2 REVIEW OF RECORDS MANAGEMENT POLICY

98/22 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council adopts the reviewed Records Management Policy.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Records Management Policy
File Reference:	F10/618-04
Date Policy was adopted by Council initially:	13 December 2007
Resolution Number:	386/07
Other Review Dates:	17 November 2011, 21 August 2014 and 21 December 2017
Resolution Number:	439/11, 244/14 and 443/17
Current Policy adopted by Council:	19 May 2022
Resolution Number:	98/22
Next Policy Review Date:	2025

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	N/A
Procedure/guideline reference number:	N/A

RESPONSIBILITY:-	
Draft Policy developed by:	Director of Finance and Administration
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	Director of Finance and Administration

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OBJECTIVES

To establish a framework for the creation and maintenance of Council records and information processes; and to comply with the requirements of the State Records Act 1998 (NSW) for the recording, storing and disposing of all records, **in all formats**.

The implementation of a records management system to ensure an outcome that Council's information resources and recordkeeping program provide timely and comprehensive information to meet operational business needs, accountability requirements and community expectations.

The policy will enhance effective information management and highlights the responsibilities and accountabilities of staff in complying with the State Records Act 1998.

INTRODUCTION

State Records legislation requires local government authorities to establish and maintain a records management program in conformity with standards and codes of best practice. This policy applies to **records in all formats**; including physical and electronic records, **social media, web pages and emails** that require Council to document business transactions in compliant recordkeeping systems.

The State Records Act 1998 requires local government authorities to, make and keep full and accurate records of their activities. Records are a corporate asset and form the corporate memory, support accountability and provide information evidence to internal and external users and Government bodies. Information and records contribute to informed decision making, better performance and accountability for Council's business activities (functions), improved customer service and risk management practices.

Upper Lachlan Shire Council has selected HPE Content Manager for the Electronic Document Management System (EDMS) as the corporate software management system. The EDMS functionality will enhance effective records management and retrieval in Council.

For evidential and accountability purposes Council needs to identify and control their records. A systematic approach to records management is vital to protect the information contained in records.

The establishment of an effective and efficient record keeping environment ensures standardised protection and retrieval of information, improving the level of customer service. The Council's records are a vital asset for effective daily functions and operations. The records provide documentation of Council's transactions. These transactions satisfy the necessary legal, administrative and audit requirements.

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POLICY STATEMENT

Upper Lachlan Shire Council is committed to meeting its responsibilities under the State Records Act 1998 and implementing best practice information practices and procedures. Council has established a framework for implementing and maintaining a records management program that meets its statutory requirements and business needs.

The purpose of this policy is to ensure that full and accurate records of all activities and decisions of Upper Lachlan Shire Council are created, collected, managed, stored and retained or disposed of appropriately, and in accordance with relevant legislation. This will enable Council to achieve information accessibility, business enhancement and improvement. This policy applies to all Council operations.

The effective management of the information Council holds in both physical and electronic formats in accordance with statutory requirements; is to ensure effective and uniform information management, retrieval and protection of records for the organisation.

The basis of records management is that information is a resource which must be managed if it is to be used effectively. Effective records management is of key importance to good organisational management. Records are a vital ingredient in the support of Council's ongoing business activities. The effective management and preservation of Council's corporate memory is intrinsic to both the decision making process and productivity within Council.

This policy will entrench formalised standards, procedures, systems and controls for the Council. All procedures and records management systems are to be consistent with this policy.

RECORDS MANAGEMENT PROGRAM

The State Records Act 1998, Section 12 (2), requires that Council maintain a Records Management Program. This program (function) is an organisation wide program that covers the full range of the organisation's information records. The Records Management function is within Council's Finance and Administration Department and provides a records and information management service to internal and external users.

A records management program is a planned, co-ordinated set of policies, procedures, people, systems and activities that are required to manage records. Records and information management is the practice of managing the records of an organisation throughout their life cycle, from the time they are created to their eventual disposal. This includes identifying, classifying, storing, securing, retrieving, transferring, tracking and destroying or permanently preserving records.

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Effective management and preservation of Council's records is intrinsic to both the decision making process and productivity within Council.

The Records Management Program goals include:-

1. To have complete information and records of Council operations to support business activities and meet accountability requirements and community expectations;
2. To ensure that records are managed efficiently and can be easily accessed and used for as long as they are required;
3. To have information management systems and practices that complies with external record keeping requirements and standards;
 - 1.
 4. Records of longer term value are identified and protected for historical purposes;
 5. Records are stored as cost-effectively as possible and when no longer required they are disposed of in a timely and efficient manner.

ELEMENTS OF THE RECORDS MANAGEMENT PROGRAM

(i) File Creation and Capture - (Classification)

All Staff must create records which adequately document the business activities in which they take part and ensure that information and processing systems which support business activities create appropriate records.

Records created should be captured into Council's recordkeeping systems so they can be managed appropriately. The decision on what information to capture is taken in accordance with defined procedures.

(ii) Document Registration

Inward and outward correspondence (i.e. letters, faxes, e-mails) must be registered into the EDMS system with assistance where required from the Administration Officer. Records should be placed on an official file in EDMS. All official communications, including letters, faxes, e-mails etc. should contain reference to the file number

A unique identifier is assigned to each record and a date stamp affixed to all correspondence. Metadata is captured at the point of registration with details such as précis of contents, author, date created and date registered, associated Council file reference, location of the document will be sent to relevant officer. This registration process provides evidence that a record has been created in the record keeping system and enables the tracking and task responsibility allocation for the document throughout Council.

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(iii) Maintenance and Monitoring

Council staff are required to notify the **Administration Officer** of file movements where the record is not sent via the records section, alternately staff can update the current location of a record using the EDMS system.

The location of each record needs to be recorded and updated at every movement of the record. This ensures that records, as assets, can be accounted for in the same way that the other assets are. Council is responsible for ensuring digital records are refreshed or replicated when scheduled.

(iv) Appraisal and Disposal of Records

Records staff appraises records on receipt in accordance with business activities, evidential and accountability requirements. Once it is decided to capture the record into the EDMS system, the document passes through registration, indexing, tracking and eventual disposal / archival phases.

Hardcopy documents will be entered in the EDMS and the original retained for a period of 3 months. At the end of this period the original will be destroyed and the electronic image of the document captured in the EDMS will be subject to the relevant retention requirements and disposal processes.

The record is destroyed or retained in accordance with the Local Government Records General Retention and Disposal Authority (GA39). If files have been classified as State Archives they are transferred to the **State Archives and Records Authority** in accordance with relevant guidelines such as open or closed access provisions. **No records of Council can be disposed of unless it is in accordance with GA39 retention and disposal schedule.**

A record must be kept detailing the date and means by which the documents were destroyed. The records disposal schedule is to be reported to the **Manager Governance** for approval prior to destruction.

(v) Records Security and Storage

Unauthorised alteration, removal, distribution or destruction of Council records is prohibited. The security of all Council records is crucial as records provide evidence of business transactions, support management decisions and ensure public accountability requirements are met. Records in all formats should be stored securely to prevent unauthorised access, destruction, alteration or removal.

Council staff are responsible for the safe custody of all files and documents that are booked out to them, sensitive or confidential information should be placed in a secure storage area when not in use. All old hardcopy records are to be securely housed **at the Gunning storage room repository.**

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When the action has been completed the file / document should be returned to the records section for storage (if hard copy) or checked into EDMS Home Location Container (if electronic record).

The file storage area should be locked at all times to prevent unauthorised access; this reduces the possibility of damage by water or fire in the event of a disaster. Council records are not to be stored at home or left in cars unattended as they could be lost or damaged.

Legal documents are to be scanned and stored electronically in the EDMS system. The original legal document is to be filed in the file storage area.

(vi) File census

An **Administration Officer** will periodically conduct a file census verifying that files are at the location recorded by the EDMS system. Council staff are to return files / documents to the records section **as soon as the action on the record is completed.**

(vii) Access, Location and movement of records

The location of all records is by electronic files in the EDMS system. The hardcopy records created prior to implementation of the EDMS will be located at the Gunning storage room repository. **Records must be available to all authorised staff that require access to them for business purposes.**

The **Administration Officer** will process requests for the release of files. Hardcopy files will only be released to appropriately delegated Council employees. A register will be retained for tracking all physical records.

Minimum requirements for Record Tracking Register are as follows:-

- The name and file number of the hardcopy file released,
 - The name of the Council employee to whom the file was released,
 - The date the file was released,
 - The name of the **Administration Officer** who released the file,
 - The method of dispatching the file,
 - The due date for the return of the file,
 - The return date the file was received by the **Administration Officer**,
 - The name of the **Administration Officer** who received the returned file.
2. All hardcopy files not returned by the due date will be reported to the General Manager. Records of a confidential or restricted nature shall be distributed by a secure classification in the EDMS system to prevent unauthorised access.

RESPONSIBILITIES AND ACCOUNTABILITIES

This policy applies to all Council employees **and contractors.**

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(i) General Manager

Under the State Records Act 1998 (Part 2-10) the General Manager is responsible for ensuring that Upper Lachlan Shire Council complies with record keeping and information policies, regulations and requirements.

(ii) Director of Finance and Administration

The Director of Finance and Administration has the responsibility to set and issue corporate standards and develop policies and procedures and is responsible for council records management by implementing and maintaining a records management program to State Archives and Records Authority requirements in accordance with Section 12(3) of the State Records Act 1998. Also, to ensure that the Records Management Program is adequately resourced.

To ensure that any records requiring technology to be read and understood remain readable and available for as long as they are required in accordance with Section 14 of the State Records Act 1998.

A Records Management Assessment Tool (RMAT) will be completed annually and reported to State Archives and Records Authority. The records management program will establish and maintain physical and intellectual control over Council's records.

(iii) Manager Governance

The Manager Governance manages and co-ordinates Council's administrative function including policy implementation and oversee and monitor Council's records management function.

The Manager Governance is to provide a strategic focus for record keeping throughout Council and is responsible for the following:-

- Developing corporate standards for record keeping and records management in conjunction with Director of Finance and Administration;
- This position is the Senior Responsible Officer for records management;
- Developing corporate electronic records management strategies;
- Reports to MANEX on the Records Management Program;
- Overseeing the disposal of physical and electronic records in accordance with legislative requirements;
- Coordinating the day to day activities and administer Council's EDMS in accordance with Council's legal responsibilities according to obligations under the State Records Act 1998;
- Formulates and maintains retention and disposal authorities;
- Maintain EDMS security, classifications, schedules, record types, locations, disposition and part files;

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- Provide EDMS education and maintain a training program including the creation of user documentation for all Council staff;
- Provide oversight of maintenance of Council's EDMS by regular auditing to ensure correct procedures are being followed to provide and maintain effective, efficient, accurate and relevant records information;
- Responsible for development and maintenance of physical and intellectual control of Council electronic and hard copy records;
- Working with other Managers within Council to ensure standard implementation of records management strategies across the organisation to ensure that record keeping systems support organisational and public accountability.

(iv) Administration Officer(s)

The Administration Officer(s) are responsible for:-

- Attending to inquiries (counter and telephone) relating to file identification, movements and locations;
- Undertaking daily activities of the records section function, such as:-
 - Opening and collection of mail,
 - Date stamping,
 - Sorting,
 - Scanning,
 - Registering all corporate council mail and emails,
 - Movement of files,
 - Archiving/storage of files,
 - Email distribution,
 - Internal mail delivery to council staff.
- Disposal of incoming mail documentation in accordance with administrative procedures;
- Maintaining an accurate and complete file tracking register;
- Promotion of routine recordkeeping;
- Provide input to Manager regarding procedures to enable records practices to comply with legislative requirements, including storage, retrieval, sentencing and disposal of all Council's records.

(v) Directors, Managers and Coordinators

Each Council Director, Manager and Coordinator is responsible for ensuring that their staff respond to correspondence and action requests in a timely manner and that all records are created and managed in the EDMS in accordance with this policy and procedures.

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(vi) Information Technology Staff

The information technology services staff is responsible for EDMS software support and providing appropriate advice and assistance to senior management and other Council staff in planning, programming, training coordination, developing and implementing the EDMS database.

Information technology staff are to ensure appropriately detailed audit logs are created, implement information security measures at the network level and perform routine and comprehensive system backups of data.

(vii) Council Staff

As public sector employees, all Council staff are to be aware of record keeping requirements that affect the performance of their duties. The State Records Act 1998 requires public officials to 'make and keep full and accurate records' of their business activities.

All Council staff has the following obligations:-

- To comply with this records management policy and procedures in their conduct of business for Council;
- Create full and accurate records to support the conduct of their business decisions and activities and implementation of Council decisions;
- Create documents, records and capture information in the EDMS, including capturing and storing all work related emails;
- Ensure that hardcopy records are forwarded to the Administration Officer to be scanned and registered into the electronic record system, EDMS;
- Learn how and where records are kept within Council and ensure all records are saved in EDMS;
- Not to lose, destroy, damage or relinquish control over Council records;
- Not to remove hardcopy documents / Council records from the storage facility without the consent of the Administration Officer;
- To be responsible for the return of physical hardcopy records that were issued to them; and
- Contact Administration Officer for assistance should any uncertainties arise concerning these obligations.

Note: Council Departments do hold active hardcopy records which are accessed by nominated staff who provide records indexing and filing under this policy. For example; public registers and development applications files.

(viii) Contractors

Manage records that they create on behalf of Council according to the terms of their contract. Council retains ownership and access to all records created.

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ACCESS TO INFORMATION

1. Where applicable, access to information by Councillors (where deemed appropriate), employees of Council and members of the public will be guided by relevant legislation and adopted Council policies.
2. The **Manager Governance** is delegated responsibility for the keeping of full and accurate records, compliance with external record keeping standards and internal practices.
3. The Director of Finance and Administration and the **Manager Governance** (who is the Public Officer and Right to Information Officer) is deemed responsible for determination of whether to authorise access or withhold information, but particularly where access to records may prejudice the Council's interests in threatened or pending litigation.
4. Use by the public of original records will be under the control of the Director of Finance and Administration who may refuse to grant access to such records **in accordance with relevant legislation**.
5. Copying of records will be subject to legislative requirements, payment of fees as per Council's Fees and Charges and copyright restrictions.
6. The public shall not be permitted access to the file archive / storage room and staff work site areas / offices.
7. Original material must be viewed in a suitably defined area and must not be removed, destroyed, defaced or damaged by the public for any purpose.
8. Some records may be restricted **or copies redacted** to protect the privacy of individuals or because they are fragile and require conservation.
9. Some records will be restricted by the EDMS security caveats which restrict access to legal files and other sensitive file information, i.e. workers compensation case files, to authorised Council officers.
10. No record of Upper Lachlan Shire Council is to be removed or temporarily removed by any Councillor or staff member excepting those required for the site inspections, without having first obtained the consent of the General Manager or Director of Finance and Administration unless the record is required in the normal course of duty.
11. In respect to staff personnel files, the following persons have access:-
General Manager, **Manager Human Resources** and Payroll Officers, for the purposes of personnel system administration. Departmental Directors, Managers

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and Coordinators in relation to staff within their Departments and individual employees in respect of their own files.

12. The **Manager Governance** is to be notified whenever any physical files or records are being sent outside the organisation, i.e. to Council's solicitors.
13. The Ombudsman Act provides for access to Council records associated with an investigation by the Ombudsman in relation to a complaint against the Council – such requests are to be referred immediately to the General Manager and Council's Complaints Coordinator upon receipt and registration.

The Government Information (Public Access) Act establishes four ways for the public to access information held by Council including:-

- Publishing open access government information on the Council website and information made available at Council Offices.
- Proactively release government information on Councils website.
- Informal release of government information where there is no third party personal information and consent involved.
- If information cannot be accessed through any of the above ways, a GIPA Act Access Application for release of information is required.

DOCUMENTS WHICH CAN NOT BE ACCESSED

Access cannot be given to the public or unauthorised employees for the following information / documents:-

- Personnel matters concerning particular individuals, for example, employee wages information or individual workers compensation claims;
- Personal matters that may cause hardship for any resident or ratepayer, for example, complaint forms showing either written or verbal complaints;
- Objection letters or complaints where the objector requests confidentiality;
- **Code of conduct complaints and associated investigations;**
- Requests for rating owners and address confidentiality details;
- Trade secrets or commercial in-confidence information, for example, where the information to be released would be likely to prejudice the commercial position of the person who supplied it, or it would reveal a trade secret;
- Constitute an offence against an Act, for example, tender documents and any associated documents may not be disclosed without the permission of the tenderer under the Local Government (General) Regulation **2021**;
- Any records, or part thereof, that contain information protected under Privacy and Personal Information Act 1998;
- Matters involved in legal proceedings where a case is proceeding or commencing in the near future and information contained is subject to legal privilege;

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- A GIPA Act Access Application that Council determined to refuse access on the basis that there is conclusive presumption of an overriding public interest against the disclosure of information requested.

Subpoenas for access to Council records are to be referred to the Public Officer upon receipt and registration of the document and immediately sent to the General Manager.

RISK MANAGEMENT

Records which are integral to the conduct of business of the Council require measures to protect this information from damage and / or destruction. **Council's Manager Governance will undertake a regular risk assessment review** of Council's records by:-

- Identifying the essential records required for the operation of Council;
- Identifying records which have archival value and cannot be replaced;
- Evaluating the likelihood and probable source and nature of threat to the safe keeping of Council records including accident and natural disasters;
- Evaluating and upgrading where necessary the existing arrangements for the protection of records, i.e. review of storage room in relation to **State Archives and Records Authority** compliance requirements;
- Clearly identifying and securing all records.

VALUE OF RECORDS AS A CORPORATE ASSET

The records of Council are an important information resource. They are a unique and vital asset and often they cannot be easily reconstructed or replaced. These records show valuable precedents and document courses of action, without which knowledge the Council cannot function. The records exist for a variety of administrative, functional, historical and legal reasons and their existence protects Council's interests, and the interests of the community Council serves.

LEGISLATIVE FRAMEWORK FOR RECORD KEEPING

Council's records management and record keeping practices are to comply with relevant Acts, Regulations and Standards relating to records management.

Council under the State Records Act 1998 manages the following:-

- Keep full and accurate records, managed in accordance with the codes of best practice developed by the **State Archives and Records Authority**;
- Prevent unauthorised alteration, loss or destruction of records and recover any records which have strayed from official custody;

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- Consult with the authorities on existing records management programs and on new information systems to prevent loss of information in records;
- Allow officers of the relevant Authorities and Government bodies to access Council records;
- Transfer records no longer required by Council after 25 years unless other arrangements are made;
- Provide public access to historical societies to records more than 25 years old which have historical significance.

RELATED LEGISLATION AND COUNCIL POLICY AND PROCEDURES

- State Records Act 1998;
- State Records General Retention and Disposal Authority: **local government records** (GA39);
- Privacy and Personal Information Protection Act 1998;
- Government Information (Public Access) Act 2009;
- **Australian Standard AS ISO 15489-2002 Records Management;**
- Local Government Act 1993;
- Local Government (General) Regulation **2021;**
- Environmental Planning and Assessment Act 1979;
- Independent Commission against Corruption Act 1988;
- **Ombudsman Act 1974;**
- Work Health and Safety Act 2011;
- Public Interest Disclosures Act 1994;
- Crimes Act 1900;
- Evidence Act 1996;
- Code of Conduct;
- Code of Meeting Practice;
- **Information Technology Strategic Plan;**
- **Digital Information Security Policy;**
- Complaints Management Policy;
- Government Information (Public Access) Policy;
- Service Delivery Policy; and
- Internet and Email Policy.

VARIATION

Council reserves the right to vary or revoke this policy.

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APPENDIX 1: STANDARD ON RECORDS MANAGEMENT PROGRAMS

Principle 1: Identifiable

Requires each public office to establish and maintain a records management program for performing a range of activities. The program should be identifiable through policy statements, the allocation of resources and the assignment of responsibility.

Principle 2: Supported by Policy

Requires each public office to develop and implement a records management policy that is documented, authorised and disseminated to all employees. The policy should encompass all aspects of record keeping and records management and identify a senior management delegate with defined authorities for compliance with record keeping standards and practices.

Principle 3: Planned

Requires that the records management program be planned, managed and monitored. It should have its own documented standard operating requirements.

Principle 4: Assigned

Requires public offices to assign responsibilities for the records management program to a senior management delegate. The Manager Governance is the Council Senior Responsible Officer for records management, who has specific responsibilities outlined in the standard.

Principle 5: Located

Requires that the records management program be appropriately located in the organisational structure to support the key objectives of the program and to perform its organisational wide role effectively.

Principle 6: Organised

Requires each public office to determine the most suitable model for the organisation of its records management operations and services. The chosen model should be documented and communicated to staff.

Principle 7: Staffed

Requires public offices to have the pool of skills necessary to achieve the records management program's key objectives. Skills of existing staff should be developed.

Principle 8: Implemented

Requires that public offices implement their records management program systematically. There should be a review of the implementation process.

Principle 9: Measured

This indicates that the records management program should be regularly measured to ensure that it is effective and meets external reporting requirements.

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**ITEM 13.3 REVIEW OF GOVERNMENT INFORMATION (PUBLIC ACCESS)
POLICY**

99/22 RESOLVED by Cr Searl and Cr Woodbridge

1. Council adopts the reviewed Government Information (Public Access) Policy.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
 Marshall, M McDonald, N
 McDonald, D O'Brien, S
 Reynolds, J Searl and L
 Woodbridge

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Government Information (Public Access) Policy
File Reference:	F10/618-05
Date Policy was adopted by Council initially:	15 July 2010
Resolution Number:	274/10
Other Review Dates:	20 January 2011, 21 July 2011, 19 July 2012, 20 August 2015, 17 August 2017 and 19 September 2019
Resolution Number:	20/11, 259/11, 234/12, 222/15, 254/17 and 252/19
Current Policy adopted by Council:	19 May 2022
Resolution Number:	99/22
Next Policy Review Date:	2024

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	N/A
Procedure/guideline reference number:	N/A

RESPONSIBILITY:-	
Draft Policy developed by:	Director of Finance and Administration
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	Director of Finance and Administration

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Objective

The objective of this policy is to describe principles regarding public access to information held by Upper Lachlan Shire Council and to facilitate the processing of requests for such access. This policy is to be read in conjunction with the Access to Information Guidelines for Local Government.

Scope

This policy applies to all staff of Upper Lachlan Shire Council who are responsible for managing requests for access to information from members of the public, legal firms, and government and non-government agencies.

Principles

Upper Lachlan Shire Council is committed to the following principles regarding public access to documents and information:-

- Open and transparent government;
- Consideration of the overriding public interest in relation to access requests;
- Proactive disclosure and dissemination of information; and
- Respect for the privacy of individuals.

Implementation

Upper Lachlan Shire Council publishes specific open access information on our website, free of charge unless to do so would impose unreasonable additional costs to Council. Council will facilitate public access through this and other appropriate mediums.

Council publishes, for inspection, documents listed Section 18, of the *Government Information (Public Access) Act 2009*, and Schedule 1, of the *Government Information (Public Access) Regulation 2009*, and held by it, unless there is an overriding public interest not to do so. Council will keep a record of all open access information that is not published because of an overriding public interest against disclosure.

Council also makes as much other information as possible publicly available in an appropriate manner, including on the Council website. Such information is also available free of charge or at the lowest reasonable cost.

Some documents may require a formal access application in accordance with the *Government Information (Public Access) Act 2009 (GIPA)*. Council will assess all requests for access to documents and information in a timely manner and in accordance with relevant legislation.

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Depending upon the nature of the request, and the form of access requested, charges may be applied in accordance with Council's adopted Operational Plan including the Schedule of Fees and Charges in accordance with relevant legislation.

Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with other requests or from performing other Council functions may be refused on the grounds that such a diversion of resources is contrary to the public interest. Council will endeavour to assist in defining the request to a more manageable one.

Council also endeavours to release other information in response to an informal request, subject to any reasonable conditions Council may impose having regard to the circumstances of each request.

Where information is released to an applicant under a formal access application and Council considers that it will be of interest to other members of the public, Council will provide details of the information in a disclosure log for inspection by the public.

Distribution of Information to the Public

Council has prepared an Agency Information Guide, Open Access Information Checklist and Proactive Release of Information Program. Alternatively, further GIPA Act information can be accessed from the Information and Privacy Commission (IPC).

The contact details for the Information and Privacy Commission are as follows:-

Postal Address: GPO Box 7011
SYDNEY NSW 2001

Street Address: Level 15, McKell Building
2-24 Rawson Place
HAYMARKET NSW 2000

Telephone Number: 1800 472 679 (free call)
Email: ipcinfo@ipc.nsw.gov.au .
Website: www.ipc.nsw.gov.au

GIPA Access Applications

There is a right of public access to certain documents held by Council unless there is an overriding public interest not to do so. A GIPA Access Application will be processed in accordance with the GIPA Act's requirements and a determination made to release the documents or refuse access on the basis of the relevant considerations under that Act.

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The GIPA Act Access Applications are required by law to be completed in 20 working days. If consultation with a third party is required, a further 15 working days extension is allowed. The applicant will receive a formal determination letter with the requested documents or reasons why a document has been withheld.

There will be a statutory \$30 application fee for all formal GIPA Act Access Applications. In some circumstances photocopying, postage and processing fees

may also be applied. The GIPA Act Access Application form is provided as an attachment to this policy.

Responsibilities of the Right to Information Officer

The Public Officer within Council is assigned the role of the Right to Information Officer.

In order to ensure compliance with the GIPA Act, the Right to Information Officer will receive, register and coordinate the review of all GIPA Access Applications and ensure that Council is in compliance with the GIPA requirements. Amongst other duties the Right to Information Officer has the responsibility of assisting people to gain access to public documents of the Council.

The Right to Information Officer is delegated authority to issue a Notice of Decision to a GIPA Access Application after conducting reasonable searches for information in accordance with Section 58, of the *Government Information (Public Access) Act 2009*.

The General Manager may assign an alternate designated Council **Senior** Officer as the "Internal Review Officer" to assess a specific GIPA Access Application.

An applicant may appeal against the initial determination by the Right to Information Officer by completing a Request for Review Application and paying a \$40 internal review fee. This form together with any supporting documentation shall be forwarded to Council's General Manager to review the Right to Information Officer's determination.

What happens if the complainant is dissatisfied?

If the complainant remains dissatisfied, they may appeal to the **Information and Privacy Commission** or request a review through the NSW Civil and Administrative Tribunal (NCAT). Right to Information legislation only allows appeal to these bodies, if you have made an initial formal GIPA Access Application and sought a request for review of a determination.

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Agency Information Guide

Council is responsible for preparing an Agency Information Guide in accordance with the provisions of Section 20, of the *Government Information (Public Access) Act 2009*.

The Agency Information Guide outlines four ways for the public to access government information from Upper Lachlan Shire Council. The means in which the public may obtain Council information includes:-

1. Open Access to Information;
2. Proactive Release of Information;
3. Informal Release of Information; and
4. Formal GIPA Access Application.

An Agency Information Guide is a summary of what an agency does, how it does it, and the type of information it holds and generates through the exercise of its functions, with a particular focus on how those functions affect members of the public.

Copyright

There is information held by Council which relates to third parties and is the subject of copyright. Such information may include; building plans, contracts, licences, agreements, and other reports. Section 6 (6), of the GIPA Act 2009, provides that nothing under Section 6 requires or permits Council to make open access information available (in any way) that would constitute an infringement of copyright laws.

Relevant Legislation

Council will assess requests for access to information with reference to:-

- Government Information (Public Access) Act 2009;
- Government Information (Public Access) Regulation 2009;
- Government Information (Public Access) Amendment Act 2012;
- **Information and Privacy Commission: Information Access Guidelines 1 and 3: For Local Councils;**
- Privacy and Personal Information Protection Act 1998;
- State Records Act 1998;
- **Ombudsman Act 1974;**
- Local Government Act 1993;
- Local Government (General) Regulation **2021;**
- Environmental Planning and Assessment (EPA) Act 1979;
- Companion Animals Act 1998;
- Fair Work Act 2009;
- Work Health and Safety Act 2011 and Regulations;
- Independent Commission against Corruption Act 1988;

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- Code of Conduct;
- Code of Meeting Practice;
- Privacy Management Plan;
- Complaints Management Policy;
- Grievance Policy;
- Disciplinary Policy;
- **Customer Service Charter;**
- Fraud and Corruption Prevention Policy; and

VARIATION

Council reserves the right to vary or revoke this policy.

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Government Information (Public Access) Act 2009
ACCESS APPLICATION

Please complete this form to apply for formal access to government information under the *Government Information (Public Access) Act 2009 (GIPA Act)*. If you need help in filling out this form, please contact Council's Right to Information Officer on telephone (02) 4830 1000 or visit our website at www.upperlachlan.nsw.gov.au

Your details

Surname: **Title:** Mr / Ms
Other names:
Postal address: **Postcode:**
Day-time telephone: **Facsimile:**
Email:

Proof of identity

Only required when an applicant is requesting information on their own behalf.

When seeking access to personal information, an applicant must provide proof of identity in the form of a certified copy of any one of the following documents:

- Australian driver's licence with photograph, signature and current address
- Current Australian passport
- Other proof of signature and current address details

Government information

Are you seeking personal information? **Yes / No** (circle one)

Please describe the information you would like to access in enough detail to allow us to identify it. **Note:** If you do not give enough details about the information, the agency may refuse to process your application.

.....
.....
.....

Property Information:

Street Address

Town:.....Postcode:.....
Lot No:..... DP:.....

Form of access

How do you wish to access the information?

- Inspect the document(s)
- A copy of the document(s)
- Access in another way (please specify)

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Application Fee and Advance Deposit

You will need to complete a Formal Information Access Application form and pay the \$30.00 application fee. In some cases an Advance Deposit may be requested, where the work required to produce the documents will take many hours.

I attach payment of the **\$30 application fee** by cash / cheque / money order (circle one).

Disclosure log

If the information sought is released to you and would be of interest to other members of the public, details about your application may be recorded in the agency's 'disclosure log'. This is published on the agency's website.

Do you object to this? **Yes / No** (circle one)

Applicant's Signature:

Date:

Please post this form:-

Upper Lachlan Shire Council
PO Box 42, GUNNING NSW 2581

Alternatively please lodge the form at:-

Upper Lachlan Shire Council
Gunning Office
123 Yass Street, GUNNING NSW 2581

E-mail address: council@upperlachlan.nsw.gov.au

General information about the GIPA Act is available by calling the Information and Privacy Commission on 1800 472 679 (free call) or at its website: www.ipc.nsw.gov.au

Office use only

Date application received:

File Reference:

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ITEM 13.4 **GIPA AGENCY INFORMATION GUIDE**
100/22 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council adopts the reviewed Agency Information Guide.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
 Marshall, M McDonald, N
 McDonald, D O'Brien, S
 Reynolds, J Searl and L
 Woodbridge

Councillors who voted against:- Nil

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UPPER LACHLAN SHIRE COUNCIL - AGENCY INFORMATION GUIDE

Prepared in accordance with the provisions of Section 20, of the NSW Government Information (Public Access) Act 2009 (GIPA).

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STRUCTURE AND FUNCTIONS OF COUNCIL

Upper Lachlan Shire Council is constituted under the Local Government Act 1993 and was proclaimed on 11 February 2004. Upper Lachlan Shire Council is located in the Southern Tablelands of New South Wales and the centre of population is Crookwell. There are three towns including Crookwell, Gunning and Taralga and ten villages with the local government area.

Elected Council

Upper Lachlan Shire Council is an elected body from the residents and ratepayers in the Shire and is not divided into wards. The elected Council is comprised of nine Councillors. Council elections are held every four years. Councillors biennially elect a Mayor and each year elect a Deputy Mayor.

The Councillors were elected on 4 December 2021. The next scheduled local government election is in September 2024. The Mayor presides at meetings of the Council and carries out the civic functions of the office.

The elected Councillors are available to represent the community views. The elected Councillors are detailed as follows:-

Mayor: Clr Pam Kensit

Deputy Mayor: Clr Mandy McDonald

Councillors: Clr Paul Culhane

Clr Jo Marshall

Clr Nathan McDonald

Clr Darren O'Brien

Clr Susan Reynolds

Clr John Searl

Clr Lauren Woodbridge

The Council's Ordinary Meetings are held on the 3rd Thursday of each month from 1.30pm at the Crookwell Council Chambers at 44 Spring Street, Crookwell.

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If the meeting scheduled is varied an advertisement is placed as a Public Notice in the Upper Lachlan Gazette and Goulburn Post newspapers. A public notice is also placed on council website www.upperlachlan.nsw.gov.au .

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Organisational Structure

As Council's principal senior staff officer, the General Manager, exercises overall management responsibilities for Council's operations and ensures implementation of Council Resolutions. The General Manager is responsible for the day to day management of the Council and reviewing the Upper Lachlan Shire Council's organisation structure. The organisation structure is set out in Appendix A.

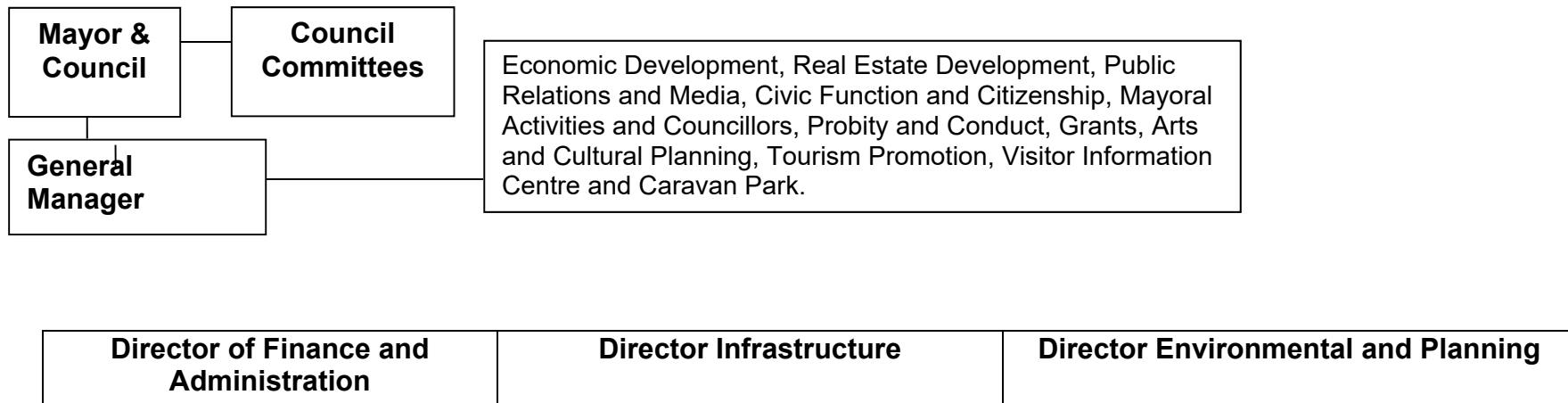
There are three Departments of Council. These Departments include Finance and Administration, Infrastructure and Environment and Planning. Council employs 141 full-time equivalent employees.

ALL CORRESPONDENCE SHOULD BE DIRECTED TO:-

The General Manager
PO Box 42
GUNNING NSW 2581
Email: council@upperlachlan.nsw.gov.au
Website: www.upperlachlan.nsw.gov.au
Telephone: (02) 4830 1000

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Organisation Structure of Council – Appendix A



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<ul style="list-style-type: none">• Governance• Legal Services• Customer Service• Payroll and Return to Work• Human Resources Management• Work Health and Safety (WHS)• Consultative and WHS Committees• Administration• Telephone/Switchboard• Records Management• Insurances• Rates and Annual Charges• Creditors and Debtors• Business Papers• Privacy Management• GIPA Management• External and Internal Audit• Loans/Borrowings Management• Investments• Revenue Policy• Community Strategic Plan	<ul style="list-style-type: none">• Plant and Equipment (Workshop)• Plant Hire contractor management• Infrastructure Maintenance and Construction• Roads• Bridges• Footpaths and Cycleways• Kerb and Guttering• Bus Shelters• Public Conveniences and Amenities• Engineering, survey and design services• Emergency Management• State Emergency Services (SES)• Rural Fire Service (RFS)• Aerodrome• Asset Management• Project Management• Forward Planning - Infrastructure• Traffic Management• Road Safety and Parking Areas• Public Cemeteries• Stormwater/Drainage Management• Street Cleaning	<ul style="list-style-type: none">• Health Services• Building Control• Environmental Planning Control (LEP)• Pollution Control• Development Control (DCP)• Heritage and Conservation• Regulatory Functions• Food and Health Inspections• Septic Tanks• Town Planning• Strategic Planning<ul style="list-style-type: none">- Land use planning- Subdivision• Ordinance Control• Licence Monitoring• Section 7.11 and Section 7.12 - Development Contribution Plans• Section 64 Development Contribution Plans• Wind Farm Community Enhancement Programs (CEP)• Floodplain Management• Tree Preservation Order• Social and Community Planning• Noxious Weeds Control
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<ul style="list-style-type: none">• Long Term Financial Planning• Financial Management• Accounting• Taxation Compliance• Library Services (2 branch libraries)• Taralga Community Service Centre - Australia Post Services• Service NSW Agency Services - Crookwell• Business Continuity• Procurement and Stores (2 Works Depots)• Contract Management	<ul style="list-style-type: none">• Private Works• RMCC State Road MR54 Contract• Roads to Recovery Program• Quarries/Gravel Pits• Risk Management• Service Request Management (CRM)• Compliance Framework• Public Hall Management• Medical Centres• Building and Offices Maintenance• Council Housing Management• Public Halls, Community Centres and Museum Management	<ul style="list-style-type: none">• Water Supply Services• Sewer Services• Domestic Waste and Recycling Services• Waste Management Centres• Parks and Gardens• Recreation• Sportsgrounds• Swimming Pools (2 Pools)• Information Technology• Geographic Information System (GIS)• Rangers and Stock Impounding• Companion Animals• Rural Addressing
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Council Functions

SERVICE FUNCTIONS	REGULATORY FUNCTIONS	ANCILLARY FUNCTIONS	REVENUE FUNCTIONS	ADMINISTRATIVE FUNCTIONS	ENFORCEMENT FUNCTIONS
Including: Community health, recreation and information services Environmental protection Waste removal and disposal Land and property Industry and Tourism development services Infrastructure, civil works and contract works	Including: Approvals Orders Building and Planning Certificates Town Planning and Zoning Food Premises Inspections Governance and Civic Leadership	Including: Resumption of land Powers of entry and inspection Asset Management Engineering supervision and design	Including: Revenue Policy Rates and Annual Charges User Charges Fees and Charges Borrowings Investments Bank Reconciliation	Including: Workforce Planning - employment of staff Integrated Planning - Strategic and Operational Plans Financial Reporting Annual Reports Accounts Payable Inventory Control	Including: Proceedings for breaches of the Local Government Act & Regulations and other Acts & Regulations Prosecution of offences Recovery of rates and charges Noxious Weeds control and inspections Land and Environment Court proceedings Enforce development consent conditions

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Infrastructure Maintenance and Construction				Financial Management	Enforce public and environmental safety requirements Animal Control
Water Supply and Sewer Services				Records Management	
				Customer Service	

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HOW COUNCIL FUNCTIONS AFFECT MEMBERS OF THE PUBLIC

Impact of Council functions on the public

- Council functions are outlined above. The Upper Lachlan Shire Council performs many functions in which it directly interacts with the community.
- As a customer service organisation the majority of activities undertaken by Upper Lachlan Shire Council have an impact on the public/community. The functions that have wide public effect are as follows:-
 - Council has the power to propose zonings for individual properties;
 - Community Planning and Development;
 - The development of land is controlled by Council;
 - Council will classify the way in which public land for which it is responsible is used;
 - Council does undertake to construct and/or provide infrastructure for the community e.g. public buildings, recreational facilities, roads, car parks, footpaths and drainage, water, sewer and waste facilities;
 - Council may make orders concerning certain public nuisances and other matters;
 - Council may enter into private land and/or cause certain works to be done in certain circumstances;
 - Council will provide and maintain the provision of public facilities;
 - Council shall levy rates and collect certain charges;
 - Council may regulate behaviour in certain public places;
 - Council may regulate certain matters relating to public health;
 - In certain circumstances a Council may seek to acquire private properties; and
 - Council may regulate traffic and parking within its area of control.

Council's Finance and Administration Department provides statutory, administrative, revenue, customer service support functions to the community, Councillors and Council's other Departments.

Council's Infrastructure Department provides a broad range of services to construct, maintain and improve Council's assets and civil infrastructure, service and ancillary functions.

Council's Environment and Planning Department provides statutory, regulatory, service and enforcement functions and services to the community and have regard to sustainability, economic growth and heritage.

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PUBLIC PARTICIPATION IN COUNCIL POLICY DEVELOPMENT

Representation

Local Government is based on the principle of representative democracy. This means that the elected Councillors represent the entire community and make decisions on their behalf. All residents of the local government area who are on the electoral roll are eligible to vote. Residents are able to raise issues with and make representation to the elected Councillors.

Eligibility for inclusion on the local government area electoral roll is available to non resident land owners, and land occupiers and rate paying lessees within Upper Lachlan Shire Council. For inclusion on the electoral roll an application or claim form is to be completed within designated timeframes before the local government election.

Council and Committee Meetings

In accordance with Chapter Four, of the Local Government Act 1993, Council has adopted a policy outlining ways in which members of the public may become involved in the policy making function of Council.

Residents and ratepayers are able to raise issues with, and make representations to, the elected Councillors. The Councillors, if they agree with the issue and/or representation, may pursue the matter on the resident's behalf therefore allowing members of the public to influence the development of policy.

Notice of Meetings

Ordinary Meetings of Council are conducted on the third Thursday of the month at Crookwell. Council holds community outreach meetings at towns and villages including: Crookwell, Gunning, Taralga, Bigga, Collector and Big Hill, to facilitate community engagement, involvement and dialogue with Council. Notices of Extraordinary Council Meetings are advertised in the Upper Lachlan Gazette, Goulburn Post and on council website in the week prior to the meeting.

Agendas

Meeting agendas, with confidential items excluded, are made available to the public for perusal on the Friday preceding the meeting at the Administration offices in Crookwell, Gunning, as well as at the Taralga Community Service Centre. All meeting business paper agendas and related business paper correspondence, as well as the adopted Council Minutes are published and available on Council's website at www.upperlachlan.nsw.gov.au.

Access by the Public at Council Meetings

All Ordinary Council Meetings are open to the public except where the Council resolves to commence a Closed Session. All Ordinary Council Meetings are webcast live to the public.

Confidential Matters

Upper Lachlan Shire Council is committed to, and has fostered the practice of open local governance. Some matters, however, are of a sensitive nature and must be dealt with in the Closed Committee of Council.

Whilst Section 10 (1), of the Local Government Act 1993, requires that Council and Committee meetings be held open to the press and public, the Council or Committee is able to resolve that any item of business be dealt with in Closed Session, pursuant to Section 10A (2), of the Local Government Act 1993.

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Section 10A (2), of the Local Government Act 1993, also specifies the grounds on which a meeting is closed to the public. This must be specified in the decision to close the meeting and recorded in the minutes of the meeting. The items considered to be of a confidential nature include the following:-

- (a) Personnel matters concerning particular individuals (other than Councillors);
- (b) The personal hardship of any resident or ratepayer;
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;
- (d) Commercial information of a confidential nature that would, if disclosed:
 - (i) Prejudice the commercial position of the person who supplied it, or
 - (ii) Confer a commercial advantage on a competitor of the council; or
 - (iii) Reveal a trade secret;
- (e) Information that would, if disclosed, prejudices the maintenance of law;
- (f) Matters affecting the security of the Council, councillors, council staff or council property,
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land; and
- (i) Alleged contraventions of any code of conduct requirements applicable under Section 440.

Any reports, correspondence or documentation relating to such matters will be withheld from the press and public. The General Manager reports to the open Council Meeting those resolutions made by the Council in Closed Session and such decisions are recorded in the Minutes of the Council Meeting. All members of the press and public are asked if they object to Council convening to the Closed Committee and state their reasons for the objection.

Contacting Residents Involved

Every endeavour is made to inform persons who have a direct involvement in a matter, when the matter is to be considered by the Council. These persons are also advised of their right to peruse the meeting agenda, attend the meeting and apply to address the Council Meeting.

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Addressing Council

Upper Lachlan Shire Council is always willing to provide access to Councillors for the public, but must maintain the rules and conventions set down in the Code of Meeting Practice and Local Government Regulations. Accordingly, the following information is provided:-

- (a) The Mayor (or Chairperson of the Meeting) has control of the meeting and of public access. The Mayor will provide directions for the person to address Council. Such directions may include the varying of any part of this policy and any part of the guidelines for public access to enable persons with a disability to make an effective presentation to the Council. The presentation will end when the Mayor so directs.
- (b) The Mayor retains the right to interrupt or close a presentation if it is believed that to continue would impinge on the laws of libel or defamation; if the matter is outside the guidelines, or if the matter contravenes the Local Government Act or Regulations. Accusations or allegations of wrong doing against Council members or staff will not be allowed in the presentation section. These matters are to be addressed formally in writing to the Mayor, to the General Manager, or to the other appropriate bodies.
- (c) The Mayor has the right to limit the number of presentations in total or the number of presentations on any one issue so that the presentation section does not unduly impinge on Council business or is not used for unnecessary repetition or duplication of points of view.
- (d) In relation to a specific development application any applicants (or their representatives) and any persons who have made a submission (or their representatives) shall be entitled to seek approval to address Council when that development application is reported. Persons who have not made a submission and who wish to raise matters after the report to Council has been finalised shall be advised of their rights to make representations to individual Councillors but shall not be eligible for a public presentation.

Committees of Council

There are avenues for members of the public to personally participate in the policy development and functions of Council. Many of Council's committees have considerable community and group representation. Committee membership is reviewed by Council on an annual basis. A full list of Council Committees is provided in Council's Annual Report.

Consultation and Representation

During the development of policies, plans and strategies, members of the community are encouraged to contribute. Opportunities for input include focus groups, surveys, public meetings and any methods appropriate to the topic. Council utilises strategies outlined in its Community Engagement Strategy and Communications Plan.

There are avenues for members of the public to personally participate in the policy and procedures development of the Council. Several Council Committees comprise or include members of the public. Expressions of interest calling for members of the public to participate in and to join various committees are publicly advertised annually.

Some of these committees include:-

- Australia Day Committee;

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- Crookwell Potato Festival Committee
- Local Traffic Committee;
- Access Committee;
- Crookwell and District Art Gallery;
- Gunning Arts Festival Committee;
- Various council owned and/or controlled Public Halls, Sportsgrounds, Showground and Public Cemetery Committees.

Submissions

Members of the public may influence Council decisions concerning matters such as the terms of Council's Operational Plan and Delivery Program, the granting of development and building approvals etc., by making submissions, including comments on, or objections to, proposals relating to those matters.

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FOUR WAYS TO ACCESS GOVERNMENT INFORMATION

The Government Information (Public Access) Act 2009 establishes four ways for the public to access government information from Upper Lachlan Shire Council. The means to access information include:-

1. Open Access Information

Council must publish open access information on its website, free of charge. Where it is not practical for Council to provide open access information on the website, the information will be made available free of charge in at least one other format. Please contact Council on (02) 4830 1000 to access information that is not currently available on Council's website.

Open access information such as Council policies, code of conduct, strategic plans and disclosure log are all available on our website.

2. Proactive Release of Information

Apart from open access information, Council will release as much other available information as possible either free of charge or at the lowest possible cost. There is a Mandatory Proactive Release and an Authorised Proactive Release of information.

Council has developed a Proactive Release Program for information it holds. This program is conducted once a year and a list of information proactively released is included in the Council Annual Report each year.

3. Informal Release of Information

Members of the public may contact Council and ask for information. This is known as an informal request. Council may release information informally, subject to reasonable conditions. Information may be disclosed through informal release where there is no third party personal information and consent involved.

4. Formal GIPA Act Access Application

If information cannot be accessed through any of the above ways, a formal GIPA Act Access Application may be necessary. This is generally a last resort under the GIPA Act 2009, and only necessary if the public are asking for a large volume of information, if providing access would involve an extensive search, or if the information you seek involves personal or business information about third parties who must be consulted before the information can be released.

GIPA Act Access Applications must be in writing, and accompanied by a \$30 fee. Processing charges of \$30 per hour may also be levied, depending on the type and amount of information sought. To make a formal GIPA Act Access Application please contact Council's Right to Information Officer on (02) 4830 1000 and email to council@upperlachlan.nsw.gov.au .

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DOCUMENTS OPEN ACCESS INFORMATION HELD BY COUNCIL

Types of Information held by Council

Upper Lachlan Shire Council holds information which relate to a number of varying issues. This information includes; policy documents, general information, registers, files, guidelines, plans, reports and other information.

There are a number of documents that are available for inspection free of charge and/or available on Council's Website www.upperlachlan.nsw.gov.au.

Council holds documents in both hard copy and electronic form that relate to a number of different issues concerning the Upper Lachlan Shire area. The documents included below may be available to the public upon request unless there is an overriding public interest not to do so.

Council has a register of Policy documents which is maintained by Council's Executive Assistant to the General Manager. The Government Information (Public Access) Regulation 2009, Schedule 1, requires the following open access information to be mandatorily disclosed on Council's website:-

1. Open Access Information about Council

- The model Code of Conduct prescribed under Section 440(1), of the Local Government Act 1993 and Code of Conduct adopted under Section 440(3), of the Local Government Act 1993;
- Code of Meeting Practice;
- Annual Report;
- Annual Financial Statements;
- Auditor's Report;
- Council Integrated Plans; including the Community Strategic Plan, Delivery Program, Operational Plan and Resource Strategy;
- Equal Employment Opportunity (EEO) Management Plan;
- Policy concerning the Payment of Expenses and Provision of Facilities to the Mayor and Councillors;
- Annual Reports of Bodies Exercising Functions Delegated by Council (e.g. Section 355/377 Committees);
- Any Codes referred to in the Local Government Act 1993;
- Returns of the Interests of Councillors, Designated Persons and Delegates;
- Agendas, Business Papers and Minutes of Council/Committee Meetings (except meetings that are closed to the public);
- Office of Local Government, NSW Department of Premier and Cabinet Representative Reports presented at a meeting of Council in accordance with Section 433, of the Local Government Act 1993;
- Land Register;
- Register of Investments;
- Register of Delegations;
- Register of Graffiti removal works;
- Register of current Declarations of Disclosures of Political Donations;
- Register of Voting on Planning Matters kept in accordance with Section 375A, of the Local Government Act 1993.

2. Plans and Policies

- Local Policies adopted by Council concerning approvals and orders;
- Plans of Management for Community Land; and

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- Environmental Planning Instruments, Development Control Plans and Contribution Plans made under the Environmental Planning and Assessment Act 1979 applying to land in the local authority's area.

Information about Development Applications (Environmental Planning and Assessment Act 1979) and any associated documents received in relation to a proposed development

- Home Warranty Insurance documents;
- Construction Certificates;
- Occupation Certificates;
- Structural Certification Documents;
- Town Planner Reports;
- Submissions received on Development Applications;
- Heritage Consultant Reports;
- Tree Inspection Consultant Reports;
- Acoustics Consultant Reports;
- Land Contamination Consultant Reports;
- Records of decisions on Development Applications including decisions on appeals; and
- Records describing the general nature of documents that Council decides to exclude from public view after application of public interest test considerations.

Approvals, Orders and Other Documents

- Applications for Approvals under Part 1 of Chapter 7, of the Local Government Act 1993 and any associated documents received in relation to such an application;
- Applications for Approvals under any other Act and any associated documents received in relation to such an application;
- Records of Approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning Approvals;
- Orders given under Part 2 of Chapter 7, of the Local Government Act 1993, and any reasons given under Section 136, of the Local Government Act 1993;
- Orders given under the Authority of any other Act;
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979;
- Plans of land proposed to be compulsorily acquired by Council;
- Compulsory Acquisition Notices; and
- Leases and Licenses for use of Public Land classified as Community Land.

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In addition, from time to time Council will make as much other information as possible publicly available in an appropriate manner, including on their website. The information will be available free of charge or at the lowest reasonable cost. Such other information includes frequently requested information or information of public interest that has been released as a result of other requests.

Council will require a formal 'GIPA Access Application' form to be submitted where the information sought:-

- Is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure, or
- Contains personal or confidential information about a third party that requires consultation, or
- Would involve an unreasonable amount of time and resources to produce.

Under the GIPA Act 2009 when deciding whether or not to release information, Upper Lachlan Shire Council shall consider whether there is an overriding public interest against releasing the information. Access to some documents and information held by Council may be restricted where it is determined that there is an overriding public interest against releasing the information or document.

HOW MEMBERS OF THE PUBLIC MAY ACCESS AND AMEND COUNCIL DOCUMENTS CONCERNING THEIR PERSONAL AFFAIRS

As far as practicable, Council documents will be accessible to members of the public online on council website and at council offices during opening hours. Persons interested in obtaining access to documents or who wish to seek an amendment to the Council records concerning their personal affairs should contact Council's Public Officer/Right to Information Officer.

The Public Officer – Right to Information Officer

The functions of the Public Officer/Right to Information Officer, are appointed by the General Manager in accordance with Section 342, of the Local Government Act 1993, are outlined in Section 343, of the Local Government Act 1993, as follows:

- May deal with requests from the public concerning the Council's affairs;
- Has the responsibility of assisting people to gain access to public documents of the Council;
- May receive submissions made to the Council;
- May accept service of documents on behalf of the Council;
- May represent the Council in any legal or other proceedings;
- **Make a Notice of Decision for a GIPA Act Access Application;**
- Have such other functions as may be conferred or imposed on the Public Officer by the General Manager or by or under the Act.

In addition to the above responsibilities the Public Officer/Right to Information Officer is responsible for ensuring Council compliance with the GIPA Act. The role includes responsibility for receiving, registering and co-ordinating the review of all GIPA Access Applications and maintaining a disclosure log of GIPA Access applications.

Upper Lachlan Shire Council delegate the role of Public Officer/Right to Information Officer to the **Manager Governance** located in the Administration Office at 44 Spring Street, CROOKWELL NSW 2583.

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If an applicant wishes to obtain information held by Council please contact the Right to Information Officer during normal office hours. The Right to Information Officer is responsible for determining applications for access to information or for the amendment of Council held records.

To make a formal request for access to information under GIPA Act, the 'GIPA Access Application' form is to be completed and the application fee of \$30.00 is to be paid. In addition, processing charges may be applicable (there is no GST in relation to these charges). An acknowledgement of such application will be provided by Council within five working days.

If a fee for photocopies and postage of documents provided under the GIPA Act is payable, it will be listed in Council's annual adopted Operational Plan Schedule of Fees and Charges.

DISCLOSURE LOG

Council maintain a disclosure log under Section 25, of the GIPA Act, which documents the information we release in response to access applications, and that may be of interest to members of the public. The disclosure log provides a mechanism to further proactively release information to the public.

A review of the disclosure log is undertaken each year. Increased disclosure of information from our disclosure log allows citizens greater opportunity to participate in policy formulation and service delivery, and identifies trends and documents that could be released proactively.

GIPA ACCESS APPLICATION REVIEW

Firstly, all applicants should try to resolve a complaint with Council. An applicant for access to information should contact Council directly to find out how to make a complaint.

If you are dissatisfied with the Council's decision with regard to a GIPA Access Application, there are a number of options available. These include:-

- Seek an internal review through the agency (Council) which you originally applied for the information,
- Approach the NSW Information and Privacy Commission (IPC) for an external review of the Council's decision,
- Request a review through NSW Civil and Administrative Tribunal (NCAT).

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Contacting the Information and Privacy Commission Office

If you require any advice or assistance about access to information or information regarding the GIPA Act and GIPA Regulations you may contact the Information and Privacy Commission as follows:-

Information and Privacy Commission (IPC)

Postal Address: GPO Box 7011
SYDNEY NSW 2001

Street Address: **Level 15, McKell Building**
2-24 Rawson Place
HAYMARKET NSW 2000

Telephone Number: 1800 472 679 (free call)
Email: ipcinfo@ipc.nsw.gov.au
Website: www.ipc.nsw.gov.au
Hours of Business: 9am to 5pm, Monday to Friday

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SECTION 14: GENERAL MANAGER

ITEM 14.1 GOULBURN TO CROOKWELL RAIL TRAIL

MOVED by Cr Culhane and Cr O'Brien

1. The report on the Goulburn to Crookwell Rail Trail be received.
2. Council re-affirm its commitment to investigate the feasibility of a Goulburn to Crookwell Rail Trail project.
3. Council allocate funds totalling \$15,000 in the 2022/2023 Operational Plan to enable the following to be undertaken:
 - (a) Continuation of liaison with Goulburn Mulwaree Council in a joint working party committee.
 - (b) Update costings and assessment of ongoing annual maintenance costs and obligations.
 - (c) Update of feasibility study business case and economic assessment to include updated costings.

An amendment was moved by Clr M McDonald and Clr Woodbridge that –

1. The report on the Goulburn to Crookwell Rail Trail be received.
2. Council workshop the Goulburn to Crookwell Rail Trail project to provide Council with sufficient information to make an informed decision.
3. Continue liaison with Goulburn Mulwaree Council in a joint working party committee.

On being put to the meeting the amendment became the motion.

101/22 **RESOLVED** by Clr Searl and Clr Woodbridge that –

1. The report on the Goulburn to Crookwell Rail Trail be received.
2. Council workshop the Goulburn to Crookwell Rail Trail project to provide Council with sufficient information to make an informed decision.
3. Continue liaison with Goulburn Mulwaree Council in a joint working party committee.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

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SECTION 15: LATE REPORTS

Nil

COMMITTEES AND DELEGATES

ITEM 16.1 REPORTS FROM COMMITTEES FOR THE MONTH OF MAY 2022

102/22

RESOLVED by Cr Searl and Cr Woodbridge

That Item 16.1 - Minutes of Committee/Information listed below be received:

1. Gunning Arts Festival Committee – Minutes listed below:-

- 12 September 2021
- 26 September 2021
- 10 October 2021
- 24 October 2021
- 27 February 2022
- 27 March 2022

2. Breadalbane Hall Committee - Minutes - 16th April 2022

- CARRIED

Councillors who voted for:-

Crs P Culhane, P Kensit, J
Marshall, M McDonald, N
McDonald, D O'Brien, S
Reynolds, J Searl and L
Woodbridge

Councillors who voted against:- Nil

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SECTION 17: NOTICES OF MOTION

ITEM 17.1 NOTICE OF MOTION - CARBON NEUTRAL SHIRE
103/22 RESOLVED by Cr Reynolds and Cr Woodbridge

“That Upper Lachlan Shire Council confirm with the appropriate authorities to claim Upper Lachlan Shire as the first Shire in NSW to be Carbon Neutral”

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

ITEM 17.2 NOTICE OF MOTION - ZERO EMISSIONS BY 2025
104/22 RESOLVED by Cr Reynolds and Cr Woodbridge

“That the Upper Lachlan Shire set a target of Net Zero Carbon emissions by 2025 and no later than 2030.”

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

SECTION 18: QUESTIONS WITH NOTICE

Nil

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CLOSED COUNCIL ITEMS

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in 10A (2) of the Act and should be dealt with in a part of the meeting closed to the public and the media.

***Note:** Pursuant to Clause 25(1) of the Local Government (Meetings) Regulation, Council invites verbal representation by members of the public about whether the items listed below should not be considered by Council in a Closed Meeting. The items are:*

105/22

RESOLVED by Cr Searl and Cr Woodbridge

3. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.
4. That pursuant to 10A (2d(i)) and 10A (2d(ii)) of the Local Government Act 1993: the press and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A (2) as outlined above.
5. That the report relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

- CARRIED

Councillors who voted for:-

Crs P Culhane, P Kensit, J
Marshall, M McDonald, N
McDonald, D O'Brien, S
Reynolds, J Searl and L
Woodbridge

Councillors who voted against:- Nil

Council closed its meeting at 2:17pm and the public, staff and press left the chambers.

Clr O'Brien left the meeting in accordance with his declaration the time being 2:17pm and did not return to the Chambers.

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106/22 **RESOLVED** by Cr M McDonald and Cr Searl

That Council move out of closed Council and into open Council.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
Marshall, McDonald, McDonald,
S Reynolds, J Searl and L
Woodbridge

Councillors who voted against:- Nil

Open Council resumed at 2.23pm.

Resolutions from the Closed Council Meeting

The following resolutions of Council, while the meeting was closed to the public, were read to the meeting by the Mayor.

SECTION 19: CONFIDENTIAL SESSION

ITEM 19.1 TENDER FOR NORTH CROOKWELL STORMWATER PROJECT

107/22 **RESOLVED** by Cr Searl and Cr Woodbridge

1. The lump sum tender of AJ Parsons Earthmoving Pty Ltd be accepted for price of \$295,478.70 (inc GST) to complete North Street Crookwell stormwater improvement project.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
Marshall, M McDonald, N
McDonald, S Reynolds, J Searl
and L Woodbridge

Councillors who voted against:- Nil

In accordance with their declaration Councillors who abstained:-
Cr D O'Brien

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ITEM 19.2 TENDER FOR ROBERTSON LANE, CROOKWELL

108/22 RESOLVED by Cr Searl and Cr N McDonald

1. The lump sum tender of Denrith Pty Ltd t/a Divalls Earthmoving & Bulk Haulage be accepted for the price of \$221,346.63 (incl GST) to complete reconstruction work of Robertson Lane, Crookwell.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J Marshall, M McDonald, N McDonald, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

In accordance with their declaration Councillors who abstained:-
Cr D O'Brien

ITEM 19.3 TENDER FOR BOILER HILL, REIDS FLAT ROAD, BIGGA

109/22 RESOLVED by Cr Woodbridge and Cr Reynolds

The lump sum tender of Cooper Earthmoving and Haulage be accepted for the price of \$309,558.12 (incl GST) for reconstruction and bitumen sealing part of Reids Flat Road, Bigga "Boiler Hill" section.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J Marshall, M McDonald, N McDonald, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

In accordance with their declaration Councillors who abstained:-
Cr D O'Brien

THE MEETING CLOSED AT 2.25PM.

Minutes confirmed 16 JUNE 2022

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Mayor