

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 17 OCTOBER 2019**

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**PRESENT:** Mayor J Stafford (Chairperson), Clr P Culhane, Clr R Cummins, Clr P Kensit, Clr R Opie, Clr D O'Brien, Clr J Searl, Clr J Wheelwright, Clr B McCormack, Mr A Croke (Acting General Manager), Mr M Shah (Director of Infrastructure), Mr Vivian Straw (Acting Director of Environment & Planning) and Ms Susanne Pearman (Executive Assistant).

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**THE MAYOR DECLARED THE MEETING OPEN AT 6.05PM**

**SECTION 1: NOTICE OF WEBCASTING/AUDIO RECORDING OF MEETING**

*Mayor Stafford advised that the Council Meeting is being webcast and audio recorded in accordance with Council Code of Meeting Practice.*

*Mayor Stafford read a statement and observed a minutes silence to commemorate the passing of Theo Douven a long serving employee of the former Crookwell Shire Council.*

**SECTION 2: APOLOGIES & LEAVE OF ABSENCE**

There were no apologies.

**SECTION 3: CITIZENSHIP CEREMONY**

Nil

**SECTION 4: DECLARATIONS OF INTEREST**

Nil

**SECTION 5: CONFIRMATION OF MINUTES**

**272/19**      **RESOLVED** by Clr Searl and Clr Wheelwright

1. That the minutes of the Ordinary Council Meeting held on 19 September 2019 be adopted.

- CARRIED

**Councillors who voted for:-**

Clrs P Culhane, R Cummins, P Kensit, R Opie, D O'Brien, B

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McCormack, J Searl, J Stafford  
and J Wheelwright

**Councillors who voted against:-** Nil

**273/19ITEM 5.2** **RESOLVED** by Clr Searl and Clr McCormack

1. That the minutes of the Extraordinary Council Meeting held on 10 October 2019 be adopted.

- CARRIED

**Councillors who voted for:-** Clrs P Culhane, R Cummins, P  
Kensit, R Opie, D O'Brien, B  
McCormack, J Searl, J Stafford  
and J Wheelwright

**Councillors who voted against:-** Nil

**SECTION 6: MAYORAL MINUTES**

**ITEM 6.1 MAYORAL MINUTE**

**274/19** **RESOLVED** by Mayor Stafford and Clr Searl

1. That Council receive and note the activities attended by the Mayor for September 2019 and October 2019.

- CARRIED

**Councillors who voted for:-** Clrs P Culhane, R Cummins, P  
Kensit, R Opie, D O'Brien, B  
McCormack, J Searl, J Stafford  
and J Wheelwright

**Councillors who voted against:-** Nil

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**ITEM 6.2**

**MAYORAL MINUTE**

**275/19**

**RESOLVED** by Mayor Stafford and Clr O'Brien

1. That Council proceed with the installation of pavement marking signage, as outlined in the map, at the location of the pedestrian crossing in Goulburn Street, Crookwell, subject to approval from the Roads and Maritime Services, if required.

- CARRIED

**Councillors who voted for:-**

Clrs P Culhane, R Cummins, P Kensit, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-** Nil

**SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC**

Mr Malcolm Barlow – Chairperson Audit, Risk and Improvement Committee.

**SECTION 8: CORRESPONDENCE**

**ITEM 8.1**

**CORRESPONDENCE ITEMS FOR THE MONTH OF OCTOBER 2019**

**276/19**

**RESOLVED** by Clr Searl and Clr McCormack

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

1. Wendy Tuckerman – Media Release – Region to benefit from Public Transport Boost.

**277/19**

**RESOLVED** by Clr Culhane and Clr McCormack that:

1. Council support the Bigga Community Bus Committee in the pursuit of funding for a community bus.

- CARRIED

**Councillors who voted for:-**

Clrs P Culhane, R Cummins, P Kensit, R Opie, D O'Brien, B

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McCormack, J Searl, J Stafford  
and J Wheelwright

**Councillors who voted against:-** Nil

2. Office of Local Government – Circular 19-20 – A new internal audit and risk management framework.
3. Office of Local Government – Launch of Your Council website.
4. Office of Local Government – Circular 19-21 – IPC Guidelines 1 Return of Interest.
5. Office of Local Government – Circular 19-22 – IPART Recommendations.
6. NSW Electoral Commission – Service Estimates for the conduct of the 2020 Local Government Elections.
7. NSW Government – IPART Final Response – Local Government Election Costs Review.
8. Office of Local Government – Circular 19-23 – Constitutional Referendums and Council Polls.
9. NSW Public Works Advisory – Guidelines for safe stormwater inlets.
10. Office of Local Government – Circular 19-25 – Penalties available to Council for Code of Conduct breaches by Councillors.

- CARRIED

**Councillors who voted for:-** Cllrs P Culhane, R Cummins, P Kensit, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-** Nil

*Cllr Kensit left the meeting the time being 6.55pm and did not return and was absent for the rest of the meeting.*

**SECTION 9: LATE CORRESPONDENCE**

Nil

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**SECTION 10: INFORMATION ONLY**

**ITEM 10.4, 10.5 and 10.7**      **INFORMATION ONLY ITEMS**

**278/19**                      **RESOLVED** by Clr Searl and Clr McCormack

1. Items 10.4, 10.5 and 10.7, be received and noted.

- CARRIED

**Councillors who voted for:-**                      Clrs P Culhane, R Cummins, R  
Opie, D O'Brien, McCormack, J  
Searl, J Stafford and J  
Wheelwright

**Councillors who voted against:-**      Nil

**ITEM 10.1**                      **MONTHLY WEEDS ACTIVITIES REPORT**  
**279/19**                      **RESOLVED** by Clr Cummins and Clr Opie

1. Council continues to closely monitor the use and research of glyphosate.

- CARRIED

**Councillors who voted for:-**                      Clrs P Culhane, R Cummins, R  
Opie, D O'Brien, B McCormack,  
J Searl, J Stafford and J  
Wheelwright

**Councillors who voted against:-**      Nil

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**ITEM 10.2                      DEVELOPMENT STATISTICS FOR THE MONTH OF SEPTEMBER 2019**

**280/19                      RESOLVED by Clr Searl and Clr Wheelwright**

1. Council receives and notes the report as information.

- CARRIED

**Councillors who voted for:-**                      Clrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-**                      Nil

**ITEM 10.3                      NATURAL DISASTER 2016 EVENT PAYMENT CLAIMS**

**281/19                      RESOLVED by Clr Wheelwright and Clr Searl**

1. Council receive and notes the report as information.

- CARRIED

**Councillors who voted for:-**                      Clrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-**                      Nil

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**ITEM 10.6                    RATES AND CHARGES OUTSTANDING FOR THE MONTH OF SEPTEMBER 2019**

**282/19                    RESOLVED by Clr Searl and Clr McCormack**

1. Council receive and note the report as information.

- CARRIED

**Councillors who voted for:-**                    Clrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-**                    Nil

**ITEM 10.8                    ACTION SUMMARY - COUNCIL DECISIONS**

**283/19                    RESOLVED by Clr Searl and Clr McCormack**

1. Council receive and note the report as information.

- CARRIED

**Councillors who voted for:-**                    Clrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-**                    Nil

**REPORTS FROM STAFF AND STANDING COMMITTEES**

**SECTION 11:                    ENVIRONMENT AND PLANNING**

**ITEM 11.1                    2019/2020 LOCAL HERITAGE PLACES GRANT APPLICATIONS**

**284/19                    RESOLVED by Clr Searl and Clr Wheelwright**

1. Council notes the content of the report and endorses the proposed allocation of the following 2019/2020 Local Heritage Places Grant Program grants:-

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- BEST – Family Burial Vault – Gunning General Cemetery (Church of England Section) - \$3,000.00
- Uniting Church Collector – Lot 1 DP 194674 - \$3,000.00

2. Letters of Offer be sent to the successful applicants.

- CARRIED

**Councillors who voted for:-** Clrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-** Nil

**ITEM 11.2                      DRAFT SUSTAINABLE COMMUNITIES UPPER LACHLAN SHIRE COUNCIL ENERGY MASTERPLAN**

**285/19                      RESOLVED by Clr Searl and Clr Opie**

1. Council place the Draft Sustainable Communities Energy Masterplan for Upper Lachlan Shire Council on public exhibition for a period of 30 days.
2. Council consider priorities listed in the Draft Sustainable Communities Energy Masterplan for inclusion in future years Council Operational Plan and Delivery Programs.

- CARRIED

**Councillors who voted for:-** Clrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-** Nil



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**SECTION 12:      INFRASTRUCTURE DEPARTMENT**

**ITEM 12.1          INFRASTRUCTURE ASSETS NAMING POLICY**  
**RECOMMENDED**

1. Council place the draft Infrastructure Assets Naming Policy on public exhibition for 28 days.

A foreshadowed motion was moved by Clr Searl and Clr McCormack that:

1. The Draft ULSC Infrastructure Naming Policy be withdrawn and the Council refer to the Geographical Names Board of NSW Policy on Place Naming for Procedural guidance on the naming of Council infrastructure assets.

On being put to the meeting the motion was carried.

**286/19              RESOLVED by Clr Searl and Clr McCormack That**

1. The Draft ULSC Infrastructure naming Policy be withdrawn and the Council refer to the Geographical Names Board of NSW Policy on Place Naming for Procedural guidance on the naming of Council infrastructure assets.

- CARRIED

**Councillors who voted for:-**              Clrs P Culhane, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-**      Clrs Clr R Cummins and Clr R Opie

**Abstained:-**                                      Nil

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**ITEM 12.2**                      **REQUEST FOR WAIVER OF SECTION 138 FEES**  
**287/19**                              **RESOLVED** by Clr Searl and Clr McCormack

1. Council does not waiver the Section 138 fee for owners of 2814 Grabben Gullen Road, Grabben Gullen and continue to charge \$490 as a processing fee.

- CARRIED

**Councillors who voted for:-**                      Clrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-**              Nil

**SECTION 13:              FINANCE AND ADMINISTRATION**

**ITEM 13.1**                      **REVIEW OF COUNCIL LIBRARY COLLECTION DEVELOPMENT POLICY**  
**288/19**                              **RESOLVED** by Clr Searl and Clr O'Brien

1. Council adopts the reviewed Library Collection Development Policy.

- CARRIED

**Councillors who voted for:-**                      Clrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-**              Nil

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<b>POLICY:-</b>	
Policy Title:	Library Collection Development Policy
File reference:	F10/618-05
Date Policy was adopted by Council initially:	17 October 2019
Resolution Number:	288/19
Other Review Dates:	N/A
Resolution Number:	
Current Policy adopted by Council:	17 October 2019
Resolution Number:	288/19
Next Policy Review Date:	2022

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

<b>RESPONSIBILITY:-</b>	
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:	Director of Finance and Administration
Responsibility for review of Policy:	Library Manager

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**POLICY OBJECTIVE**

This policy provides an outline for the development, acquisition, and maintenance of the library collections of Goulburn Mulwaree Library and Goulburn Mobile Library.

The Policy states how the Library will identify, select, and manage the collection materials and resources required to meet the ongoing needs of Library members.

Goulburn Mulwaree Library is committed to providing free, impartial, and equitable access to collections and resources that meet the cultural, informational, educational, research, and recreational needs and interests of Library members. This policy supports the development of a collection that:

- Is a balanced and up to date collection of popular and enduring works
- Is diverse, uncensored, and freely accessible to all Library members
- Promotes literacy and lifelong learning
- Is maintained in good condition
- Meets the needs of community demographic profiles as provided by the Australian Bureau of Statistics
- Meets the baseline standard of expenditure on library materials as stipulated by the State Library of New South Wales

1.

***LEGISLATIVE PROVISIONS***

NSW Library Act 1939

NSW Library Regulation 2010

Classification (Publications, Films and Computer Games) Enforcement Act 1995 Copyright Act 1968

Copyright Amendment (Digital Agenda) Act 2000

Copyright Amendment (Disability Access and Other Measures) Act 2017

***GUIDELINES***

State Library of New South Wales (2015), Living learning libraries, standard and guidelines for NSW public libraries, 6<sup>th</sup> ed.

Australian Library and Information Association (2012, Standards and guidelines for Australian public libraries, 2<sup>nd</sup> ed.

***POLICY STATEMENT***

**Definitions**

“Library” refers to Goulburn Mulwaree Library and Goulburn Mobile Library collectively.

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**Selection and de-selection responsibility**

Selection of Library resources is undertaken by Goulburn Mulwaree Library staff for Goulburn Mulwaree Library and Goulburn Mobile Library.

Weeding and de-selection of Library resources is undertaken in accordance to the guidelines stipulated in this policy.

Library staff reserve the right to accept or refuse any addition to the Library collections, and to de- select and dispose of any collection materials, under the following guidelines.

**Scope of the collection**

The Library's collections will comprise a variety of materials suitable for children, young people, adults, and older people, with reading and learning abilities from birth to university entry level.

The following types of hard copy and electronic materials may be included in the Library's collections:

- Reference materials (e.g. dictionaries, encyclopaedias, language and study skills etc.)
- Fiction
- Non-fiction
- Biographies
- Audio books
- Newspapers and magazines
- DVDs and CDs
- Games
- Graphic novels
- Find Legal Answers and Drug Info, as stipulated by the State Library of New South Wales

The following types of materials are generally not included in the Library's collections

- Text books for formal courses of study
- Academic or specialist tests
- Curriculum materials
- Council documents
- Hardcopy reference materials where an online copy is available
- Fragile or easily damaged materials
- Second hand materials
- Materials that pose a risk to personal safety (e.g. small removable components etc.)
- Languages other than English

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**Expenditure on Library collection materials**

The State Library of New South Wales provides guidelines for expenditure on library collections and resources in *Living learning libraries: standards and guidelines for NSW public libraries, 6<sup>th</sup> ed.*

Goulburn Mulwaree Library will adhere to these guidelines and will meet the baseline standard for annual expenditure on library collections and resources per capita of Council's resident population as stipulated by the Australian Bureau of Statistics.

The Library will also make its greatest efforts to adhere to the standards suggested for number of acquisitions per capita, overall collection age, and stock turnover.

**Selection criteria**

The following criteria are used in evaluating material for inclusion in the Library collection:

- Popular interest or current demand
- Current reading trends
- Relevance and interest to Library members
- Creative, literary and technical quality
- Relevance and accuracy of content
- Currency and permanency
- Reputation, popularity, and significance of the author/publisher/genre/subject
- Actual or potential community need and usage
- Relevance of the subject area to the rest of the collection
- Suitability of the format (ease of use, ease of storage, durability)
- Availability of similar information online
- Australian and/or local perspectives
- Cost (including purchase price, processing requirements, ongoing fees etc.) For electronic resources, the following criteria are also applied:
  - Accessibility and ease of use
  - Vendor support
  - Hardware and software requirements

The Library will generally only purchase a single copy of each item, unless in very high demand or for book club use.

Library staff may use a variety of tools to assess and select collection materials, including but not limited to:

- Supplier selection profiles and standing orders
- Promotional literature and catalogues
- Reviews
- Suggestions for purchase and recommendations from Library members
- Personal knowledge and professional experience

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**Electronic resources**

Goulburn Mulwaree Library is a consortium member of the NSW Public Libraries Association South East Zone, and will participate in shared zone subscriptions and utilise the NSW.net suite of databases. Subscription to these resources is subject to consortia and licensing agreements.

Subscription to additional databases may also be undertaken as required.

**Restricted materials**

The Library will not purchase or accept into the collections any materials which have been refused classification, are banned, or are classified as R18+ and above by the Australian Classification Board.

**Suggestions for purchase**

Library members may make suggestions for the purchase of Library collection materials. Suggestions will be reviewed by Library staff to ensure they satisfy the guidelines stipulated in this policy, and may be purchased for the Library collection if they are deemed suitable. Library staff reserve the right to accept or decline suggestions as required.

**General Donations**

The Library may accept donations of books and other resources from Library members, provided the materials are:

- Not already held in the Library collection
- Less than two years old, or filling gaps in the collection
- In 'as new' condition with no wear or damage

Any materials donated to the Library become the sole property of the Library, and Library staff reserve the right to transfer, discard, sell, or otherwise dispose of materials as required. Terms and conditions cannot be stipulated by the donor.

Any materials donated to the Library that are not accepted into the collection will be sold or disposed of at the discretion of Library staff.

**Weeding and de-selection**

Library collections will be reviewed and weeded regularly to maintain the integrity and quality of the collection. Material may be chosen for de-selection under any of the following criteria:

- Factually inaccurate, or misleading content
- Aged and out-dated, or obsolete content
- Newer editions, online editions, more up to date, or superior works available
- Damaged or in poor physical condition
- Low usage and borrowing rates
- No longer relevant to the Library collection
- No longer relevant to user needs

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**Disposal**

Materials chosen for de-selection may be:

- Sold at library book sales
- Donated to other libraries, Government bodies, charities, community groups, or retirement homes
- Destroyed or otherwise disposed of

Magazine and hardcopy newspaper issues will be retained for a maximum of 12 months and then destroyed or otherwise disposed of.

**Local Studies**

Local studies collections are exempt from the general selection, donation, weeding, and de-selection criteria.

The collection is specifically for the use of local history and family history research, and is generally not available for loan. The collections will include current and historical resources relating to Goulburn Mulwaree Council's LGA, including resources about people, places, events, geography and natural history, industry, and administration of the area dating from pre-European settlement to the present day where possible.

Local Studies collections may also be supplemented by the collections of the:

- Goulburn and District Historical Society
- Goulburn District Family History Society
- State Archives and Records NSW

Local Studies collections are not limited by format, and may include both hard copy and electronic materials. Formats may include, but are not limited to:

- Published and unpublished monographs and indexes
- Newspapers, newsletters, and periodicals
- Pamphlets, ephemera, and objects
- Photographs
- Maps
- Sound and video recordings
- Microfilm and microfiche
- Electronic materials, both digitised and born digital

Materials may be added to the Local Studies collections by purchase, donation, or long term loan. Local studies staff will work in consultation with the governing body of the Library to select materials suitable for inclusion in the collections. Access conditions may be applied to unpublished donations or long-term loans at the time of their inclusion into the collections.

Local studies staff may also undertake digitisation activities to increase access and ease of use of particular collection materials. All copyright and other access conditions will be adhered to during any digitisation activities.



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Selection, donation, weeding, and de-selection activities may occur at any time at the discretion of Local Studies staff in each Library.

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	12/12/2018	2017/514	12/12/2018	12/12/2018

All policies can be reviewed or revoked by resolution of Council at anytime.

**DIRECTORATE:** Growth Strategy & Culture  
**BUSINESS UNIT:** Library

**ITEM 13.2**                      **REVIEW OF COUNCIL LIBRARY MEMBERSHIP AND ACCESS POLICY**  
**289/19**                              **RESOLVED** by Clr Searl and Clr O'Brien

1. Council adopts the reviewed Library Membership and Access Policy.

- CARRIED

**Councillors who voted for:-**                      Cllrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-**              Nil

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<b>POLICY:-</b>	
Policy Title:	Library Membership and Access Policy
File reference:	F10/618-05
Date Policy was adopted by Council initially:	17 October 219
Resolution Number:	289/19
Other Review Dates:	N/A
Resolution Number:	289/19
Current Policy adopted by Council:	17 October 2019
Resolution Number:	289/19
Next Policy Review Date:	2022

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

<b>RESPONSIBILITY:-</b>	
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:	Director of Finance and Administration
Responsibility for review of Policy:	Library Manager

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**POLICY OBJECTIVE**

This policy outlines the rights and responsibilities of members of Goulburn Mulwaree Library, and the rules governing provision of Library services to Library members. All registered Library members are entitled to access Library services under this policy at Goulburn Mulwaree Library and any library in a current library service level agreement with Goulburn Mulwaree Council.

**LEGISLATIVE PROVISIONS**

NSW Library Act 1939

NSW Library Regulation 2010

Privacy and Personal Information Protection Act 1998

Classification (Publications, Films and Computer Games) Enforcement Act 1995 Copyright Act 1968

Copyright Amendment (Digital Agenda) Act 2000

Copyright Amendment (Disability Access and Other Measures) Act 2017

**POLICY STATEMENT**

***Definitions***

“Library” refers to Goulburn Mulwaree Library and Goulburn Mobile Library.

“LSLA” refers to a current Library Service Level Agreement between Goulburn Mulwaree Council and any signatory Council to that agreement.

***Membership***

All members of the public may access Library buildings, use resources within the Library, and attend Library events.

Library membership entitles Library users to borrow collection materials, access Library computers and use the Internet on Library computers. Library membership is free to all residents and ratepayers of the Goulburn Mulwaree areas under the following provisions:

- A Membership Application Form must be completed and signed by the applicant.
- Applications by persons under the age of 18 must be signed by a parent or legal guardian. If a person under the age of 18 produces evidence to satisfy the Library that they are living independently, then they will be treated as an adult.
- Applications must be accompanied by valid personal identification confirming residency within the applicable Council areas.
- By becoming a member, patrons must agree to comply with all Library policies and procedures.
- A valid Library card or other identification must be presented to Library staff upon request.
- Members agree to notify the Library if their details, address, email or phone numbers change.

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- Membership is for a three year period, and can be renewed as required.

***Membership for non-residents***

Non-residents of the Goulburn Mulwaree Council area may be entitled to Library membership under the following provisions:

- Reciprocal membership
  - Members of other NSW and ACT public libraries are entitled to join if they have a current Library card for their own public Library, plus valid personal identification.
  - Reciprocal members have the same rights as resident members.
- Temporary membership
  - Temporary membership is available to people not eligible for resident or reciprocal membership, and who wish to use the Library for a period of up to 3 months.
  - Temporary membership will incur a non-refundable administrative fee.
  - Borrowing is restricted to two items at a time. Items may not be renewed.

***Other types of membership***

The Library may provide other types of membership, including but not limited to:

- Bulk loan membership
  - Available to teachers and staff of community groups or institutions for borrowing on behalf of their organisation. Bulk loan members have the same rights as resident members with the exclusion of some eResources.
- Book Group membership
  - Available to registered book groups and limited to borrowing Read & Connect Kits.
- Home Library membership
  - Available to people who, due to age, disability or illness, are unable to make their own selections at the Library. Library staff will select items as specified by the member's requirements, and items will be delivered to the member's home on a regular basis.

***Cancellation of membership***

Library members may cancel their membership at any time. All outstanding loans must be returned and outstanding fines or fees paid before membership can be cancelled.

The Library may refuse or cancel a membership if the person is not eligible for membership as outlined above, after two years of inactivity, if the person is deceased, or if the person has failed to comply with all Library policies and procedures.

***Privacy***

Goulburn Mulwaree Library abides by the privacy policies of Goulburn Mulwaree Council and the Privacy and Personal Information Protection Act 1998.

Personal information will be securely kept and only be used within Goulburn Mulwaree Council and any Council participating in an LSLA, or if otherwise required by law. Members

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have the right to request access to and/or correct any personal information held by the Library.

***Loan Periods and Renewals***

Library members may borrow collection items from the Library's lending collection only. Materials not available for loan may be accessed within the Library building only. Lending materials may be borrowed under the following provisions:

- Generally, members may borrow a maximum of thirty (30) items at any one time for a period of three (3) weeks, unless specified otherwise.
- Library members may borrow lending items from the collections of the Goulburn Mulwaree and Goulburn Mobile Libraries, and any Library part of a LSLA, and return items to any of these locations.
- Loans may be renewed twice unless specified otherwise or if reserved by another borrower.
- Items not renewed must be returned on or before the due date or they may incur overdue fines. Members will not be permitted to borrow or renew items if they have long overdue loans or if their fines total \$10 and over.

***Reservations***

Reservations may be placed on any lending collection materials of the Library and any Library part of an LSLA. Members may specify their preferred collection location for reserves. Members may reserve up to thirty (30) items, comprising 15 book and 15 non-book items at any one time, unless specified otherwise.

Members will be notified when reserved items are ready for collection, and will have 10 days to collect reservations. Any reservations not collected within 10 days will be void.

***Fees and Charges***

Fees may be charged to Library members, as per the applicable Council's Fees and Charges, including, but not limited to the following:

- Late returns of borrowed collection materials
- Lost or damaged collection materials
- Replacement Library cards
- Interlibrary loans

Fee disputes or requests for a fee reduction or waiver will be assessed by the governing body of the Library on a case by case basis.

***Loan of Audio Visual Media***

The Library does not accept any responsibility for damage caused to a member's personal equipment as a result of using borrowed media such as eBooks, DVDs, CDs, and console games, or as a result of using Library computers or equipment.

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***Interlibrary Loans***

Library members may request to borrow up to 15 items from other libraries in Australia through the National interlibrary loan system. Members requesting special needs materials (such as ESL or LOTE materials) may request up to 20 items.

Other libraries supplying items have the right to specify loan period or other conditions of loan. Any conditions or restrictions specified by the lending Library will be upheld. Fees may apply for interlibrary loans.

***Access to Classified Library Resources***

The Library exercises no censorship or limitation on access to publications classified 'unrestricted' under the *Classification (Publications, Films and Computer Games) Act 1995*.

Material rated as 'MA15+' or above by the Office of Film & Literature Classification will not knowingly be made available for loan to members under the age of 15 years.

***Children and Young People***

Library staff are not responsible for the care, safety or supervision of children under 18 years of age. Children must be in the care of a responsible adult at all times. Unattended children may be reported to Family and Community Services.

Library staff do not monitor information available online or in published works, and cannot be held responsible for their content. Restricting or monitoring access to collection materials and the Internet by children under 18 years of age is the responsibility of the parent or guardian.

***Code of Conduct***

- Users must not, without the consent of the governing body of the Library, use the Library for any purpose other than reading, studying, researching or engaging in Library programs.
- Users must not disrupt or otherwise interfere with other people using the Library.
- Users must not bring objects into the Library that may create an unsafe environment.
- Users must meet acceptable standards of personal hygiene and dress.
- Users must safeguard their own personal belongings. The Library is not responsible for any theft, loss or damage of personal belongings.
- Users must not take any animal into the Library other than an assistance or companion animal as defined under Section 9 of the *Disability Discrimination Act 1992*, unless by prior arrangement with the governing body of the Library.
- Users must not write on or otherwise damage any Library material or equipment in any way.
- Users must comply with the *Copyright Act 1968* and any other legislation or specifications related to the access, duplication, retention and use of Library collection materials.

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***Directing users to leave the Library***

A Library staff member may direct any person to leave the Library under the following circumstances:

- At closing time
- In an emergency
- If the user is conducting criminal behaviour
- If the user has contravened any of the Library's policies and procedures

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	12/12/2017	2017/514	12/12/2017	12/12/2017
All policies can be reviewed or revoked by resolution of Council at anytime.				

**DIRECTORATE:** Growth Strategy & Culture  
**BUSINESS UNIT:** Library

**SECTION 14: GENERAL MANAGER**

**ITEM 14.1 PREPARATION OF AGENDAS POLICY AND PROCEDURE REVIEW**

**290/19** **RESOLVED** by Clr Searl and Clr McCormack

1. Council adopts the reviewed Preparation of Agendas Policy and Procedure.

- CARRIED

**Councillors who voted for:-** Clrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-** Nil

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<b>POLICY:-</b>	
Policy Title:	Preparation of Agendas Policy and Procedure
File reference:	F10/618
Date Policy was adopted by Council initially:	22 December 2005
Resolution Number:	368/05
Other Review Dates:	15 October 2009, 21 June 2012, 16 April 2015
Resolution Number:	438/09, 191/12, 89/15
Current Policy adopted by Council:	17 October 2019
Resolution Number:	290/19
Next Policy Review Date:	2022

<b>PROCEDURES/GUIDELINES:-</b>	
Date procedure/guideline was developed:	22 December 2005
Procedure/guideline reference number:	N/A

<b>RESPONSIBILITY:-</b>	
Draft Policy Developed by:	General Manager
Committee/s (if any) consulted in the development of this policy:	N/A
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	General Manager



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**OBJECTIVE**

The aim of this policy and procedure is to clearly define the process for preparing Agendas/Business Papers.

For this purpose the following differentiation applies:

- Type 1 Meeting/Reports are those that apply to Ordinary Meetings of Council;
- Type 2 Meeting/Reports are those that apply to other Committees (Consultative Committee, Work Health and Safety, etc).

**1. Agenda Dispatch Deadlines.**

Type 1 Agendas/Business Papers are to be forwarded at least 5 days prior to Committee Meetings and Ordinary Meetings.

Type 2 Agendas/Business Papers are to be forwarded at least 5 days prior to the meeting date.

**2. Preparing Reports.**

Staff should be aware of scheduled meeting dates for the Type 1 Meetings and also those Meetings from Type 2 with which they are involved.

For Type 1 Meetings draft reports are to be prepared on the following basis:

- i. Reports are to be in the Infocouncil report template (as part of the corporate system) and are to be submitted so that report is available for inclusion in the Business Paper by **4.30 pm on the Friday the week prior to dispatch**. (See ULSC Yearly Calendar for Report due dates).

For Type 2 Meetings:

- ii. Reports are to be in the Infocouncil report template (as part of the corporate system) and are to be submitted so that report is available for inclusion in Business Paper a minimum of 7 working days prior to meeting date.

The above requirements are achievable if those responsible for preparing reports do so progressively in the lead up to meetings and also by being aware and responsive to the agenda timetable deadlines. It would assist the process if staff preparing reports advise (in advance) the Administrative Assistant of any possible late or unusually lengthy reports. In the case of scheduled absences staff should arrange preparation of reports in advance.

There will be instances when correspondence and/or issues arise in the day(s) of Business Paper preparation. A determination will be made by the General Manager as to the inclusion

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or otherwise of those reports in the Agenda. Reports that are not included in the Business Paper, but are required to be submitted to the Council Meeting, may be done as late reports using the Infocouncil Late Report Template (subject to approval by General Manager). The distribution of such reports (whether prior to or at the meeting) will be determined on the basis of the circumstances involved.

### **3. Authorisation of Reports/Agendas.**

All reports are to be checked and authorised in Infocouncil by the respective Department Director prior to the agenda being finalised.

When reports are authorised for the agenda at Director level they are then submitted to the General Manager for authorisation in Infocouncil (final proof) as follows:

- for Type 1 Agenda by 12 noon two days prior to dispatch;
- for Type 2 Agenda by 3.00pm two days prior to dispatch.

### **4. Report Format**

The Infocouncil report template is the standard format that is to be used for Council/Committee meeting reports. The procedure for staff typing their reports is as follows:

- Staff should follow the Infocouncil Report Writing Manual to create a new report using the report template and then save the report into the current “meeting date” as listed in the Infocouncil system.
- Reports should be allocated to the correct Content Manager folder using the correct month date eg GOVERNANCE - MEETINGS - Council Business Paper **February 2020**

### **Summary**

For Type 1 meetings the timetable is as follows:

#### **WEEK PRIOR TO DISPATCH**

##### **Committee Reports**

Friday: reports to be submitted by 4.30pm\*

Monday: Authorisation by Directors and General Manager as per the Infocouncil system.

##### **Ordinary Reports**

Friday: reports to be submitted by 4.30pm\*

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Monday: Authorisation by Directors and General Manager as per the Infocouncil system.

**\*NOTE: Reports can be submitted progressively and prior to these times and dates.**

**VARIATION**

Council reserves the right to vary or revoke this policy.

**Other Related Documents**

Local Government Act 1993;  
Local Government (General) Regulation 2005;  
Government Information (Public Access) Act 2009;  
NSW State Records Act 1998;  
Privacy and Personal Information Protection Act 1998;  
Council Code of Conduct;  
Council Code of Conduct Procedures;  
Council Code of Business Practice;  
Council Code of Meeting Practice  
Council Section 355 Committee Policy;  
Council Section 355 Committee Code of Meeting Practice;  
Council Agenda Format and Committee Structure;  
Council Service Delivery Policy;  
Council Statement of Ethical Principles;  
Delegations of Authority Policy;  
Disclosure of Interests at Meetings Procedure;  
Presentations to Council Policy;  
Council Privacy Policy;  
Council Privacy Management Plan; and  
Questions With Notice Policy.

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**ITEM 14.2                    PRESENTATIONS TO COUNCIL POLICY AND PROCEDURE REVIEW**

**291/19**

**RESOLVED** by Clr Searl and Clr O'Brien

1. Council adopt the reviewed Presentations to Council Policy and Procedure.

- CARRIED

**Councillors who voted for:-**

Clrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-** Nil

<b>POLICY:-</b>	
Policy Title:	Presentations To Council Policy and Procedure
File reference:	F13/618-04
Date Policy was adopted by Council initially:	23 June 2005
Resolution Number:	162/05
Other Review Dates:	16 July 2009, 19 May 2011, 17 April 2014
Resolution Number:	271/09, 184/11, 100/14
Current Policy adopted by Council:	17 October 2019
Resolution Number:	291/19
Next Policy Review Date:	2022

<b>PROCEDURES/GUIDELINES:-</b>	
Date procedure/guideline was developed:	

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Procedure/guideline reference number:	
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<b>RESPONSIBILITY:-</b>	
Draft Policy Developed by:	General Manager
Committee/s (if any) consulted in the development of this policy:	N/A
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	General Manager

## **OBJECTIVES**

To provide members of the community the opportunity to publicly express their views to Council by means of a presentation to Council.

## **POLICY STATEMENT**

In accordance with Chapter 4 of the Local Government Act 1993 and Part 14 of the Code of Meeting Practice, Council has adopted a policy outlining ways in which members of the public may become involved in the policy making function of Council by means of a presentation to a Council or Committee Meeting.

## **Notice of Meetings**

Ordinary Meetings of Council are conducted on the third Thursday of the month, commencing at 6.00pm, in the Council Chambers. Notices of extraordinary meetings are advertised in the Crookwell Gazette and Goulburn Post 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 and Gunning as well as at the Taralga Community Service Centre.

## **Other Access Available to the Public at Council Meetings**

All meetings of Council and Committees are, as a general rule, open to the public except where the Council or Committee resolves into Confidential Session.

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Individual Councillors may be directly approached by residents who believe they have an issue, grievance or a matter they wish Council to consider for the half hour preceding both the Ordinary and Committee Meetings which commence at 6.00pm.

**Confidential Matters**

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

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 10 (A) of the Act.

Section 10 (A) of the Local Government Act, 1993 and Part 14.1 of the Code of Meeting Practice both specify 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. 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, prejudice 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; and
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

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- (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 access by 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.

**Contacting Residents Involved**

Every endeavor 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.

**Addressing Council**

Council is eager to provide access to Council by the public, but must maintain the rules and conventions set down in the Local Government Act, 1993 and Regulations and the Code of Meeting Practice. Accordingly, the following information is provided:-

- (a) The Mayor (or Chairman of the Meeting) has control of the meeting and of public presentations. 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 presentations 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 Act or Regulations. Accusations or allegations of wrong doing against 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.

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**GUIDELINES FOR PUBLIC PRESENTATIONS**

**1. APPLICATIONS**

- a) **Content of Application** - Individuals wishing to make a presentation to Council will apply in writing, a minimum of 10 days prior to the date of the meeting where the presentation is proposed, outlining the name of the person(s) addressing Council, the reason for addressing Council, and a full copy of the topic/issue they will cover in their address.
- b) **Methods of Applying** - Applicants can apply by email, fax, or by letter, to the attention of the Executive Assistant.

**2. APPROVAL**

The General Manager or his delegate must approve all applications for public presentations except under exceptional circumstances, as noted in clause 3 of this policy. The General Manager, in consultation with the Mayor, has absolute discretion as to whether the presentation will be accepted. Councillors are to be informed of all applications to make a presentation to Council, and the reason for any refusal to accept a presentation.

**3. REFUSAL OF AN APPLICATION**

The General Manager or his delegate can refuse an application if it does not meet the requirements of this policy. The Executive Assistant will advise both the applicant and the Councillors as to the reasons for the refusal.

**4. RESPONSE TO APPLICATION**

The Executive Assistant will advise all applicants of the outcome of their request for a public presentation.

- a) If approved, the Executive Assistant will advise the applicant of the date, time, and location they are to attend the Committee or Council meeting.
- b) If refused, the Executive Assistant will advise both the applicant and the Councillors of the reasons for any refusal to accept a presentation.

**5. URGENT ACCESS**

- a) The Council or Committee may consider an application for an urgent public presentation without the approval of the General Manager or his delegate, if they rule, by way of simple majority, that the matter is of great urgency.



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- b) The Council or Committee may authorise an urgent request for a public presentation for the current meeting or a subsequent meeting.

**6. NUMBER OF SPEAKERS**

- a) **Speakers per Issue** - The number of speakers at anyone Council or Committee meeting is limited to one speaker for an issue and one speaker against an issue.
- b) **Speaking Once per Issue** - The General Manager or his delegate will not approve public access for the same person or their representative to address Council more than once on the same issue. An applicant may gain approval for a second public access address if it is deemed that the application/matter has changed significantly enough to warrant a further address.
- c) **Number of Speakers per Council Meeting** - A maximum of three speakers in total may address a Council meeting.
- d) **Number of Speakers per Committee Meeting** - A maximum of three speakers in total may address a Committee meeting. In exceptional circumstances, this can increase to four.
- e) **Priority Speakers** - Requests for public presentations relating to items listed on the Committee's agenda, have priority over topics not listed on the agenda.

**7. TIME LIMITS**

- a) **Regular Time Limit** - Each address is limited to five minutes. Council's Executive Assistant will signal at the end of the five minutes by gong or other device.
- b) **Extension of Time Limit** - After five minutes, the Council or Committee may give the speaker an additional three minutes. A simple majority is required to grant the extension. There can only be one extension per public presentation. Council's Executive Assistant will signal the end of the additional three minutes.
- c) **Additional Speakers** - The time limits apply to one speaker addressing Council. Speakers must advise Council before the meeting, if they intend to have more than one speaker address Council. The time limit of five minutes, with a possible three-minute extension, applies regardless of the number of speakers.

**8. QUESTIONS**

Councillors and officers may ask questions of the speaker at the end of each address.

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**9. TERMS AND CONDITIONS**

Council approves public presentation on the basis that:

- a) the speaker's address is limited to five minutes (including all speakers);
- b) the speaker provides 15 copies of any material they wish to distribute to Councillors and Officers before the meeting
- c) all presentations to Council Meetings will be accompanied by a written, preferably typed, full copy of the presentation and must be handed to the General Manager, or in his absence, the Mayor or Chairman of the meeting prior to the commencement of the presentation;
- d) the speaker is prepared to answer questions from Councillors and Officers;
- e) the speaker agrees to comply with the general standards that apply in Council's Code of Conduct and Code of Meeting Practice and as such are applicable to any presentation made;
- f) the Council will keep a full copy of the presentation on record together with a copy of the official business papers of the Council meeting and will record a note of the presentation in the official minutes of Council;
- g) the speaker understands that the records of Council meetings are public documents and available to members of the community and the media;
- h) the speaker understands that anything said or published in their address, if defamatory, may result in legal proceedings against them;
- i) Council accepts no liability whatsoever in respect of the speaker's public presentation;
- j) the speaker's presentation to Council is not an opportunity to debate the issue, but is an opportunity to place their views before Council; and
- k) the speaker retires to the public gallery at the conclusion of their address and makes no further comment on the debate or discussion by Councillors.

**RELEVANT LEGISLATION AND COUNCIL POLICIES**

The following legislation and Council policies that are relevant to this Policy include:

- Local Government Act 1993
- Local Government (General Regulation) 2005

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- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- State Records Act 1998
- Environmental Planning and Assessment (EPA) Act 1979
- Code of Conduct
- Code of Conduct Procedure
- Code of Meeting Practice
- Statement of Ethical Principles
- Harassment Policy
- Government Information (Public Access) Policy
- Interaction between Councillors and Staff Policy
- Complaints Management Policy
- NSW Ombudsman - Good Conduct and Administrative Practice (Guidelines for State and Local Government) June 2006

**VARIATION**

Council reserves the right to vary or revoke this policy.

**ITEM 14.3**  
**292/19**

**CORPORATE UNIFORM POLICY REVIEW**

**RESOLVED** by Clr Searl and Clr Wheelwright

1. Council adopts the reviewed Corporate Uniform Policy.

- CARRIED

**Councillors who voted for:-**

Clrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-** Nil

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<b>POLICY:-</b>	
Policy Title:	Corporate Uniform Policy
File reference:	F10/618-03
Date Policy was adopted by Council initially:	16 December 2004
Resolution Number:	365/04
Other Review Dates:	26 July 2007, 15 April 2010, 2 March 2013, 17 March 2016
Resolution Number:	224/07, 152/10, 67/13, 64/16
Current Policy adopted by Council:	17 October 2019
Resolution Number:	292/19
Next Policy Review Date:	2022

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

<b>RESPONSIBILITY:-</b>	
Draft Policy Developed by:	General Manager
Committee/s (if any) consulted in the development of this policy:	N/A
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	General Manager

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**Corporate Uniform Policy**

The Corporate Uniform policy has the objective of projecting a unified and professional image of Council, by encouraging indoor staff to wear a corporate uniform.

The Policy:

1. Council originally implemented a corporate uniform arrangement for all “indoor” staff commencing on 1 July 2005.
2. A corporate wardrobe selected from either Goulburn Worklocker and/or Neat’N’Trim - Local Government Corporate Collection range of clothing will be available to indoor staff.
3. For staff participating and wearing the corporate uniform an allowance of \$300.00 per full-time employee per annum will be contributed by Council (part-time employees will receive a pro-rata allowance). Allowances not expended within a financial year will not accrue to the next financial year (unless prior arrangements have been made by an application to the General Manager).
4. The purchase of corporate wardrobe items will be funded by Council with sundry debtor provisions made available for staff for repayment of their uniform expenditure over and above the allowance. Repayment of the employees’ portion of costs will be structured so as to ensure that debts will be repaid within six months of purchase or at the time of any termination of employment with Council. Under certain circumstances the General Manager may authorise a special repayment schedule (application must be made to the General Manager by the staff member).
5. Where Goulburn Worklocker and/or Neat’N’Trim - Local Government Corporate Collection does not supply suitable sizing a staff member may apply to the General Manager for approval to purchase from another supplier, with suitable ULSC logo embroidery applied to the uniform garments.
6. The uniform allowance is available to staff once they have completed their probationary period of employment.
7. Uniform allowance for future years will not be available where an employee has outstanding debt from the previous financial year.
8. In conjunction with the corporate uniform, staff will wear a badge identifying Upper Lachlan Shire Council.
9. The cleaning and repair of corporate uniform items is the responsibility of the participating staff member.

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10. Field Staff must read this policy in conjunction with the Protective Clothing and Equipment Policy.

**Relevant Legislation and Council Policies**

The following legislation and Council policies that are relevant to this Policy include:

- Work Health and Safety Act 2011 (NSW);
- Work Health and Safety Regulations 2017 (NSW);
- Employment and Retention Policy;
- Human Resource Succession Plan;
- Human Resource Training Plan;
- Protective Clothing and Equipment Policy;
- Purchasing and Acquisition of Goods Policy and Procedures;
- Recruitment and Selection Policy;
- Staff Training Policy;
- Work Health and Safety Policy.

**Variation**

Council reserves the right to vary or revoke this policy.

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**ITEM 14.4            DELEGATIONS OF AUTHORITY POLICY AND PROCEDURE REVIEW**

**293/19                RESOLVED by Clr Searl and Clr McCormack**

1. Council adopt the reviewed Delegations of Authority Policy and Procedure.

- CARRIED

**Councillors who voted for:-**

Clrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-    Nil**

<b>POLICY:-</b>	
Policy Title:	Delegations of Authority Policy and Procedure
File reference:	F10/618-06
Date Policy was adopted by Council initially:	27 October 2005
Resolution Number:	296/05
Other Review Dates:	21 May 2009, 19 May 2011, 20 March 2014, 17 March 2016
Resolution Number:	169/09, 178/11, 68/14, 63/16
Current Policy adopted by Council:	17 October 2019
Resolution Number:	293/19
Next Policy Review Date:	2022

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<b>PROCEDURES/GUIDELINES:-</b>	
Date procedure/guideline was developed:	19 May 2011
Procedure/guideline reference number:	

<b>RESPONSIBILITY:-</b>	
Draft Policy Developed by:	General Manager
Committee/s (if any) consulted in the development of this policy:	Nil
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	General Manager

**OBJECTIVE**

To establish policy and procedure to ensure that Council complies with the provisions of Section 378(2) and 381 of the Local Government Act 1993 as amended, and other appropriate Acts and that staff are delegated the necessary authority to act on behalf of Council to ensure compliance with all relevant legislation.

**SCOPE**

This policy and procedure relates to the responsibilities of the General Manager and all staff delegated to carry out certain duties.

**RESPONSIBILITIES**

General Manager.

**DEFINITIONS**

"Delegation of Authority" means a written authorisation issued by the General Manager giving authority to a suitably qualified staff member to carry out certain duties on behalf of Council.



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**DELEGATIONS OF AUTHORITY POLICY STATEMENT AND PROCEDURE**

1. When a new staff member is appointed to a position for which a previous "Delegation of Authority" had been issued it will be the responsibility of the relevant Director to ensure that the former staff member's delegation is checked and corrected if need be and sent to the Executive Assistant to prepare it for the General Manager's signature.
2. Following checking by the Director and signing by the General Manager, the original Delegation of Authority will be placed in the current "Delegations of Authority Register" maintained by the Executive Assistant.
3. A signed original of the Delegation of Authority will be supplied to the employee for use whilst carrying out their official duties. A copy will also be placed on the employee's personnel file. Should the Director so require, a copy will also be supplied to the relevant Director to maintain records within the Division.
4. If a new responsibility is required to be added to a delegation, the same procedure is to be followed.
5. There is also an Archival Register of Delegations being maintained by the Executive Assistant and the Executive Assistant will need to replace the old delegation with the new one in the current Register and then file the previous delegation in the Archival Register. **It is essential that this process be undertaken as the Delegations of Authority can become evidence in Court cases, which often does not take place until several years later.**

**Relevant Legislation and Council Policies**

The following legislation and Council policies that are relevant to this Policy include:

- Local Government Act 1993
- Local Government (General Regulation) 2005
- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- State Records Act 1998
- Environmental Planning and Assessment (EPA) Act 1979
- Public Interest Disclosures Act 1994
- Independent Commission Against Corruption Act 1998
- Code of Conduct Policy
- Code of Conduct Procedure
- Code of Meeting Practice
- Statement of Ethical Principles
- Government Information (Public Access) Policy
- Corporate Credit Card Policy
- Purchasing and Acquisition of Goods and Services Policy
- Interaction between Councillors and Staff Policy
- Complaints Management Policy
- Public Interest Disclosures Policy

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- Local Government State Award

**VARIATION**

Council reserves the right to vary or revoke this policy.

**ITEM 14.5                      COUNCIL CODE OF BUSINESS PRACTICE REVIEW**  
**294/19                      RESOLVED by Clr Searl and Clr McCormack**

1. Council adopts the reviewed Code of Business Practice.

- CARRIED

**Councillors who voted for:-**                      Clrs P Culhane, R Cummins, R  
Opie, D O'Brien, B McCormack,  
J Searl, J Stafford and J  
Wheelwright

**Councillors who voted against:-**                      Nil

<b>POLICY:-</b>	
Policy Title:	Code of Business Practice
File reference:	F10/618 - 06
Date Policy was adopted by Council initially:	25 August 2005
Resolution Number:	249/05
Other Review Dates:	16 October 2008, 18 November 2010, 20 June 2013, 16 June 2016
Resolution Number:	301/08, 441/10, 181/13, 168/16
Current Policy adopted by Council:	17 October 2019
Resolution Number:	294/19

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Next Policy Review Date:	2022
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<b>PROCEDURES/GUIDELINES:-</b>	
Date procedure/guideline was developed:	N/A
Procedure/guideline reference number:	N/A

<b>RESPONSIBILITY:-</b>	
Draft Policy Developed by:	General Manager
Committee/s (if any) consulted in the development of this policy:	Nil
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	General Manager

## **POLICY STATEMENT**

Business dealings between the Upper Lachlan Shire Council and the private sector are extensive and may, on occasions, raise sensitive ethical issues. The policy sets out Council's position on business ethics and provides guidelines to Councillors, Council Officers, Contractors and people with whom they conduct business.

The policy also provides guidance on how Council will deal with the requirements of the National Competition Policy, including the management of competitive neutrality complaints.

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## **1. APPLICATION**

This policy applies to all Council's business activities as defined under the National Competition Policy, as well as to all pricing, buying and selling of goods and services.

It replaced Council's *Competitive Neutrality Policy* on 25 August 2005.

## **2. DEFINITIONS**

**Impartiality and Fairness:** This is about being objective, even-handed and reasonable. An impartial person will try to objectively establish criteria for determining best value for money and will work hard to objectively assess each quotation, expression of interest or tender against criteria. A fair person would not, for example, change or introduce new selection criteria midway through the tendering process without advising all tenderers.

**Value for Money:** This is determined by considering all the factors that impact on benefits and costs e.g. reliability, quality, timeliness and service, initial and ongoing costs. Value for money does not necessarily mean the lowest price, but price is a major factor in determining value for money if the product or service meets other essentials as set out above.

## **3. GENERAL PRINCIPLES**

The Upper Lachlan Shire Council expects all its representatives, staff and Councillors to behave in accordance with the principles set out in its *Statement of Ethical Principles* (see Appendix 1), and its *Code of Conduct*. The Council also expects private industry and its representatives to maintain similar standards of ethical conduct in their dealings with Council as set out in Council's *Statement of Business Ethics*.

In line with the above Codes and Statements, and the principles of the National Competition Policy, Council will ensure:

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- (a) that in its business transactions it will seek to get the best possible value for public money;
- (b) that it will demonstrate impartiality and fairness at all stages of the business process;
- (c) that Council's business does not intentionally or unwittingly prevent or constrain the entry of external service providers who have the capability or potential to deliver better quality or more efficient services;
- (d) the removal of regulations which intentionally or unwittingly prevent or constrain suitable business investment or activity in the Shire and thereby employment;
- (e) that it will better define the purpose of its services and remove any waste and inefficiency that may exist within its business activities as a consequence of being sheltered from competition;
- (f) that the prices of Council services represent value for money and are not excessive compared to other local government areas; and
- (g) the assessment and selection of service providers is not distorted by factors pertaining to ownership and are based upon the comparable efficiency of the service provider.

#### **4. RESPONSIBILITIES**

##### **4.1 Councillors and Staff of the Upper Lachlan Shire Council**

The Upper Lachlan Shire Council expects its Councillors and staff to:

- (a) respect and follow Council's policies and procedures;
- (b) treat all suppliers and potential suppliers of goods and services equitably;
- (c) promote fair and open competition while seeking best value for money;
- (d) protect confidential information;
- (e) meet or exceed public interest and accountability standards;
- (f) avoid situations where private interest could conflict with public duty;
- (g) never solicit or accept remuneration, gifts or other benefits from a supplier for the discharge of official duties;
- (h) respond promptly to reasonable requests for advice and information.

##### **4.2 Suppliers of Goods and Services**

The Upper Lachlan Shire Council requires all suppliers of goods and services to Council to:

- (a) respect the conditions set out in documents supplied by Council;
- (b) respect the obligation of Council staff to abide by Council's *Purchasing – Acquisition of Goods and Services Policy*;
- (c) abstain from collusive practices;
- (d) prevent the unauthorised release of privileged information, including confidential Council information;
- (e) refrain from discussing Council dealings with the media, except with Council's consent;
- (f) refrain from offering Council employees or Councillors any financial or other inducement which may give any impression of unfair advantage;

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- (g) assist the Council to prevent unethical practices in our business relationships.

Guidelines for suppliers are set out in Council's *Statement of Business Ethics*. (see Appendix 2)

## **5. THE IMPORTANCE OF COMPLIANCE**

All suppliers of goods and services to the Council are required to comply with this Code and this compliance will not in any way disadvantage suppliers.

However, should suppliers not comply with these ethical requirements when doing business with Council, then such actions could lead to the following consequences:

- (a) termination of contracts;
- (b) loss of future work;
- (c) loss of reputation;
- (d) investigation for corruption;
- (e) matters being referred for criminal investigation.

## **6. THE NATIONAL COMPETITION POLICY**

In June 1996 the NSW Government issued the "NSW Government Policy Statement on the application of National Competition Policy to Local Government". The following are the requirements placed upon Council by the National Competition Policy:

### **6.1 Competitive Neutrality**

Council is required to implement competitive neutrality principles under the terms of the "Competition Principles Agreement".

"Competitive Neutrality" is the principle that government, whether Commonwealth, State or Local, should operate without net competitive advantages over other businesses as a result of their public ownership.

### **6.2 Council's Business Activities**

Council must identify its significant business activities.

Council's defined business activities are subject to the provisions of the National Competition Policy and Competitive Neutrality. The following guidelines will define what a *business activity* is:

- (a) a business activity will involve the supply of goods and services for a fee or charge;
- (b) a business activity is likely to be subject to competition by other providers;

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- (c) if an activity is subject to competition, is significant to the people who are supplied by it and has an impact on the local, regional or broader economy, then there is likelihood that it is a business activity;
- (d) an activity which is intended by Council to make a profit may be regarded as a business activity;
- (e) any activity in which Council bids for external contracts should be regarded as a business activity.

Once Council has determined which of its activities may be classified as business activities, it must determine whether they are significant enough to be subject to the competitive neutrality principles. There are two categories of business activities:

- (a) Category 1 businesses (\$2M and above annual gross operating income), or
  - (b) Category 2 businesses (less than \$2M annual gross operating income)
- Council's significant business activities are identified in its Annual Report and Financial Statements each year.
- Note: Council operates three Category 2 businesses – water supply scheme, sewerage scheme and domestic waste management service.

## **7. PROCEDURES FOR IMPLEMENTING COMPETITIVE NEUTRALITY**

### **7.1 Applying the Corporatisation Model**

A Category 1 business must comply with corporatisation requirements set out in the *Policy Statement*. In particular, it must meet the following requirements:

- (a) it must be capable of being separately identified within the operations of Council;
- (b) it must have a separate internal accounting and reporting framework to Council;
- (c) it must apply full cost attribution including:
  - (i) tax equivalent regime payments,
  - (ii) debt guarantee fees, where businesses benefit from Council's borrowing position by comparison with commercial rates, and
  - (iii) return on capital invested;
- (d) it must make explicit any subsidies paid to the business activity;
- (e) it must operate within the same regulatory framework as private businesses.

A Category 2 business has less stringent requirements. However, it must meet these requirements:

- (a) it must make explicit any subsidies paid to the business activity;
- (b) it must operate within the same regulatory framework as private businesses;
- (c) it should apply full cost attribution where practicable.

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## **7.2 Applying Competitive Neutrality Pricing**

Council is required to include private sector pricing factors within its business activity pricing. Council's *Revenue Policy* and *Pricing Policies* are advertised each year in Council's Operational Plan. The *Statement of Pricing Policy* sets out the basis upon which costs will be attributed and the principles upon which the decisions have been made. Council's Policy contains a mix of full cost pricing, return rate pricing, partial cost pricing and market/reference pricing.

- (a) Full cost pricing is the recovery of all direct and indirect costs involved in the provision of a service. It also involves the recovery of the financial cost of capital tied up with service provision (by incorporating depreciation of assets);
- (b) Return rate pricing is a situation where prices are set not only to recover all costs, but also to earn some profit;
- (c) Partial cost pricing is providing services at a price which recovers less than the full cost incurred in service delivery. In this situation Council seeks to recover only the direct costs involved in providing services so as to provide a benefit to the community. Any of these subsidies must be made explicit.
- (d) Market/reference pricing refers setting a pricing structure based on current market fee structures and may have little relationship to the cost of providing the service.

## **7.3 Competing for Tenders**

Although Council does not competitively tender for its own contracts, it does occasionally tender to provide private works or services. Council should not utilise subsidies to enable it to win tenders against private businesses. Return rate pricing principles should normally be utilised when setting prices in these circumstances.

## **8. HANDLING COMPETITIVE NEUTRALITY COMPLAINTS**

Council is required by the *Policy Statement* to establish a complaints handling system for competitive neutrality complaints. Council has the responsibility of resolving complaints in the first instance, with a review by the State Government where and when warranted.

### **8.1 What is a Competitive Neutrality Complaint?**

A complaint regarding competitive neutrality is:

- (a) a complaint that Council has not met its requirements under the *Policy Statement* or *Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality*. This includes a concern that Council has not established an effective complaints handling mechanism;
- (b) a complaint that Council has not abided by the spirit of competitive neutrality in the conduct of a business activity.



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A competitive neutrality complaint is not:

- (a) a complaint regarding the level of service provided by a business activity e.g. a mobile garbage bin not collected;
- (b) a complaint regarding the cost of the service, unless the Upper Lachlan Shire Council has not costed the service to take competitive neutrality into account;
- (c) a complaint regarding the trade practices laws and their application to the Upper Lachlan Shire Council.

## **8.2 How to Lodge a Competitive Neutrality Complaint**

A competitive neutrality complaint should be made in writing, addressed to the General Manager, and should contain sufficient information about the alleged breach for Council to fully investigate the complaint.

Should a complainant wish to discuss their complaint prior to making a complaint in writing, they should contact Council's Public Officer on ph. (02) 4845 4105.

A complaint may be referred directly to one of the following bodies:

- (a) the Independent Commission Against Corruption (ICAC). Complaints can be provided in writing, by telephone or arranging an interview with an ICAC Officer. To provide information or make an enquiry:

Write to: ICAC, GPO Box 500, Sydney NSW 2001

Fax: (02) 9264 5364

Phone: (02) 8281 5999 or toll free 1800 463 909 (9am to 5pm)

Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)

Information explaining the role of the ICAC and how to report corrupt conduct is available on the ICAC website [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)

- (b) the NSW Ombudsman. To contact the NSW Ombudsman:

Write to: NSW Ombudsman, Level 24, 580 George St, Sydney, NSW 2000

Fax: (02) 9283 2911

Phone: (02) 9286 1000 or toll free 1800 451 524

Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)

Information concerning the role of the Ombudsman is available the NSW Ombudsman website [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

- (c) the Australian Competition and Consumer Commission (ACCC).

Write to: Chairman, Australian Competition and Consumer Commission

GPO Box 3648, Sydney, NSW 2001

Fax: (02) 9223 1092

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Phone: (02) 9230 9133 or toll free 1300 302 502  
ACCC website [www.accc.gov.au](http://www.accc.gov.au)

### **8.3 Time Limits**

Complaints will be acknowledged within 7 days and responded to by Upper Lachlan Shire Council within 30 days of the receipt of the complaint.

If the complaint requires detailed investigation, the complainant will be informed of progress at regular intervals.

### **8.4 Remedies**

If the investigation finds that Council has not met its requirements under the National Competition Policy, Council gives an undertaking that it will alter its business practices to ensure compliance and will offer a written apology to the complainant.

Should the complainant not be satisfied with the findings of the Council investigation, then they may refer the complaint to the bodies listed in clause 8.2 of this policy.

### **8.5 Confidentiality**

All competitive neutrality complaints received will be determined by the Council in the strictest confidence.

## **9. COMMUNITY SERVICE OBLIGATIONS**

Council recognises it's many important community, environmental and social obligations and that there is no intrinsic or philosophical conflict between these obligations and making Council's operations more competitive. In fact, competition principles will:

- (a) encourage better customer service for those who depend upon the services which meet these obligations;
- (b) reduce the costs of these services to users;
- (c) free up funds which might be redirected to community, environmental or social priorities;
- (d) make environmental, social and community service obligations more transparent and thereby open to scrutiny and prioritisation.

However, pricing decisions will take into account Council's community service obligations, particularly in terms of equity. Ensuring that there is equitable access to Council services may mean that Council will choose to subsidise some of its services.

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**10. REVIEW & VARIATION**

This policy will be reviewed regularly to ensure that it conforms to current legislation.

Council reserves the right to vary or revoke this policy.

**11. RELEVANT LEGISLATION, COUNCIL POLICY AND PROCEDURES**

The following Legislation and Council Policies and documents that are relevant to this Policy include:-

- Access to Information Policy;
- Australian Audit Standard AUS210 / ASA240;
- Anti Discrimination Act 1977;
- Bribes, Gifts and Benefits Policy;
- Child Protection Policy;
- Code of Conduct;
- Companion Animals Act 1998;
- Complaints Management Policy;
- Corporate Credit Card Policy;
- Council's Code of Meeting Practice;
- Crimes Act 1900;
- Delegations of Authority Procedure;
- Disciplinary Policy;
- Drug & Alcohol Policy;
- Employee Assistance Program Policy;
- Employment and Retention Policy;
- Environmental Planning and Assessment Act 1979;
- Equal Employment Opportunity Act 1987;
- Equal Employment Opportunity (EEO) Management Plan;
- Fair Work Act 2009 (Cwth);
- First Aid Policy;
- Flexible Work Arrangements Policy & Procedure;
- Fraud and Corruption Prevention Policy;
- Government Information (Public Access) Act 2009;
- Government Information (Public Access) Amendment Act 2012;
- Government Information (Public Access) Policy;
- Government Information (Public Access) Regulation 2009;
- Grievance Policy;
- Harassment Policy;
- Health Records and Information Privacy Act 2002;
- Human Resource Training Plan;
- Human Resource Succession Plan;

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- Independent Commission against Corruption Act (ICAC) 1988;
- Industrial Relations Act 1996;
- Injury Incident Management Procedures;
- Interaction between Councillors and Staff Policy;
- Internal Reporting – Protected Disclosures Policy;
- Internet and Email Policy;
- Local Government Act 1993;
- Local Government (General) Regulations 2005;
- Loss of Drivers Licence Policy & Procedure;
- Manual Handling Policy;
- Mobile Phone Policy;
- NSW State Records Act 1998;
- Payment of Expenses and Provision of Facilities Policy;
- Performance & Misconduct Policy;
- Privacy and Personal Information Protection Act 1998;
- Privacy Management Plan;
- Private Use of Council Motor Vehicles Policy;
- Private Works (Projects and Plant Hire) Policy;
- Protective Clothing and Equipment Policy;
- Public Access Policy;
- Public Interest Disclosures Act 1994;
- Public Interest Disclosures Policy;
- Purchasing and Acquisition of Goods Policy and Procedures;
- Records Management Policy;
- Recruitment and Selection Policy;
- Rehabilitation Procedure and Practice Policy;
- Secondary Employment Policy;
- Service Delivery Policy;
- Smoking in the Workplace Policy;
- Staff Training Policy;
- Standards Australia 8000 series;
- Statement of Business Ethics;
- Statement of Ethical Principles;
- Sun Protection – Council Employees Policy;
- Time in Lieu of Overtime Policy;
- Trade Practices Act 1974;
- Trauma Management Policy;
- Upper Lachlan Shire Council Community Strategic Plan;
- Upper Lachlan Shire Council Resourcing Strategy documentation;
- Upper Lachlan Shire Council Delivery Program and Operational Plan;
- Workforce Plan 2016-2020
- Workers Compensation Act 1987;
- Work Health & Safety Policy;

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- Work Health & Safety Act 2011;
- Work Health & Safety Regulations 2017;
- Workplace Relations Act 2008;
- Any other relevant legislation and guidelines as applicable.

***APPENDIX 1: STATEMENT OF ETHICAL PRINCIPLES***

All Councillors and staff of the Upper Lachlan Shire Council will be guided by the following principles:

**Selflessness**

- Serving public over private interests;
- Avoiding private gain at public expenses;
- Not accepting gifts and benefits of more than nominal value;
- Reporting all offers of inducement or suspected bribes.

**Openness**

- Giving and revealing reasons for decisions;
- Revealing other avenues available to the client or business;
- Offering all information not subject to legal or privacy restrictions;
- Communicating clearly.

**Honesty**

- Obeying the law;
- Following the letter and spirit of policies and procedures;
- Observing codes of conduct;
- Fully disclosing actual or potential conflicts of interest.

**Accountability**

- Recording reasons for decisions;
- Submitting to scrutiny;
- Keeping proper records and establishing audit trails;
- Maintaining confidentiality.

**Objectivity**

- Fairness to all;
- Impartial assessment;
- Merit selection in recruitment and in purchase and sale of Council resources;
- Considering only relevant matters.

**Courage**

- Having the courage to uphold these principles;

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- Reporting suspected wrongdoing;
- Embracing necessary change;
- Giving advice fearlessly and frankly.

**Appendix 2: STATEMENT OF BUSINESS ETHICS**

**What you can expect from us**

The Upper Lachlan Shire Council will ensure that all its policies, procedures and practices related to tendering, contracting and the purchase of goods and services are consistent with best practice and the highest standards of ethical conduct.

Council's staff is bound by Council's comprehensive *Code of Conduct for Councillors, staff and delegates of Council* and *Code of Business Practice*. When doing business with the private sector, Council staff are accountable for their actions and are expected to:

- Use public resources effectively and efficiently.
- Deal fairly, honestly and ethically with all individuals and organisations.
- Avoid any conflicts of interest (whether real or perceived).

In addition, all Council procurement activities are guided by the following core business principles:

- All potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to submit bids.
- All procurement activities and decisions will be fully and clearly documented to provide an audit trail and to allow for effective performance review of contracts.
- Tenders will not be called unless Council has a firm intention to proceed to contract.
- The Council will not disclose confidential or proprietary information.

**What we expect from you**

Council requires that all private sector providers of goods and services observe the following principles when doing business with the Council:

- Act ethically, fairly and honestly in all dealings with the Council.
- Respect the conditions set out in documents supplied by Council.
- Respect the obligation of Council staff to abide by Council's *Purchasing – Acquisition of Goods and Services Policy*.
- Abstain from collusive practices.
- Take all reasonable measures to prevent the disclosure of confidential Council information.

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- Refrain from offering Council employees or Councillors any financial or other inducement which may give any impression of unfair advantage.
- Refrain from discussing Council business or dealings in the media, except with Council's consent.
- Assist the Council to prevent unethical practices in our business relationships.

**Why you should comply with this Statement**

You should be aware of the consequences of not complying with Council's ethical requirements when doing business with the Council. Demonstrated corrupt or unethical conduct could lead to:

- Termination of contracts;
- Loss of future work;
- Loss of reputation;
- Investigation for corruption;
- Matters being referred for criminal investigation.

**Finding out more about Council's business practices**

If you have any questions regarding this Statement or to provide information about suspected corrupt conduct, please contact Council's General Manager directly by letter, phone, fax or email at the contact details shown below.

The General Manager  
Upper Lachlan Shire Council  
PO Box 42  
GUNNING NSW 2581

Tel: (02) 4830 1000  
Fax: (02) 4832 2066  
Email: [council@upperlachlan.nsw.gov.au](mailto:council@upperlachlan.nsw.gov.au)

Many of Council's policies, including its *Code of Conduct*, *Code of Business Practice* and *Purchasing – Acquisition of Goods and Services Policy* are available for reading or download on Council's website at [www.upperlachlan.nsw.gov.au](http://www.upperlachlan.nsw.gov.au)

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**ITEM 14.6**                      **LAND UNDER COUNCIL JURISDICTION POLICY REVIEW**  
**295/19**                      **RESOLVED** by Clr Searl and Clr McCormack

1. Council resolves to adopt the reviewed Land Under Council Jurisdiction Policy.

- CARRIED

**Councillors who voted for:-**

Clrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-** Nil

<b>POLICY:-</b>	
Policy Title:	Land Under Council Jurisdiction Policy
File reference:	F13/77-09
Date Policy was adopted by Council initially:	20 May 2010
Resolution Number:	196/10
Other Review Dates:	20 May 2010, 21 March 2013, 17 March 2016
Resolution Number:	196/10, 71/13, 65/16
Current Policy adopted by Council:	17 October 2019
Resolution Number:	295/19
Next Policy Review Date:	2022



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<b>PROCEDURES/GUIDELINES:-</b>	
Date procedure/guideline was developed:	
Procedure/guideline reference number:	

<b>RESPONSIBILITY:-</b>	
Draft Policy Developed by:	General Manager
Committee/s (if any) consulted in the development of this policy:	N/A
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	General Manager

**Policy Objectives:**

To ensure that public land is maintained and used safely for the amenity and benefit of the resident community, visitors and the environment.

**Land Under Council Jurisdiction Policy:**

Council will:

- Implement the guidelines that document the range of activities or uses that are subject to an approval or consent of Upper Lachlan Shire Council;
- Obtain appropriate rentals for the use of public land; and
- Apply the principles of consistency, transparency and accountability to the procedures relating to Council's leases and licenses in order to ensure appropriate use and management of Council controlled land.

**Relevant Legislation and Council Policies**

The following legislation and Council policies that are relevant to this policy include:

- Code of Business Practice;
- Code of Conduct;
- Code of Conduct Procedures;
- Complaints Management Policy;

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- Crown Land Management Act 2016;
- Disposal of Council Real Estate Policy;
- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Act Regulations 2000;
- Footpath Policy;
- Fraud and Corruption Prevention Policy;
- Government Information (Public Access) Act 2009;
- Government Information (Public Access) Policy;
- Government Information (Public Access) Regulation 2018;
- Incoming Grants Management Policy;
- Independent Commission Against Corruption Act 1988;
- Internal Control and Procedures Manual;
- Leasing-Licensing of Council Properties Policy;
- Local Government Act 1993;
- Local Government (General) Regulations 2005;
- Management of Leases and Licences Procedure;
- Privacy and Personal Information Protection Act 1998;
- Privacy Management Plan;
- Plan of Management – Parks, Sporting Fields & General Reserves;
- Public Access Policy;
- Records Management Policy;
- Roads Act 1993;
- Statement of Ethical Principles;
- State Records Act 1998;
- Upper Lachlan Local Environmental Plan 2010;
- Upper Lachlan Development Control Plan 2010;

**Variation**

Council reserves the right to vary or revoke this policy.

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**ITEM 14.7**                      **INCOMING GRANTS MANAGEMENT POLICY REVIEW**  
**296/19**                        **RESOLVED** by Cllr Searl and Cllr McCormack

1. Council adopts the Incoming Grants Management Policy.

- CARRIED

**Councillors who voted for:-**

Cllrs P Culhane, R Cummins, R  
Opie, D O'Brien, B McCormack,  
J Searl, J Stafford and J  
Wheelwright

**Councillors who voted against:-** Nil

<b>POLICY:-</b>	
Policy Title:	Incoming Grants Management Policy
File reference:	F13/77-09
Date Policy was adopted by Council initially:	20 February 2014
Resolution Number:	27/14
Other Review Dates:	N/A
Resolution Number:	N/A
Current Policy adopted by Council:	17 October 2019
Resolution Number:	296/19
Next Policy Review Date:	2024

<b>PROCEDURES/GUIDELINES:-</b>	
Date procedure/guideline was developed:	25 November 2013

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Procedure/guideline reference number:	
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<b>RESPONSIBILITY:-</b>	
Draft Policy Developed by:	Grants Officer
Committee/s (if any) consulted in the development of this policy:	N/A
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	General Manager

### **Policy Objective**

This policy is to assist Council to:

- Evaluate and manage offers of funding assistance to Council;
- Evaluate and assist/facilitate offers of funding assistance to all Section 355 Committees, all Community Groups, not-for-profit groups, charities, playgroups, pre-schools and all other similar groups within the Upper Lachlan Shire Council local government area;
- Identify and maximise opportunities for additional revenue to align with Councils strategic goals in an open and transparent manner;
- Adopt a best practice approach in the administration of grant and sponsorship funds;
- Effectively manage the information relating to new and existing grant programs to comply with auditing requirements;
- Establish a framework for the preparation and coordination of grant applications which maximises the role of staff managing the grant functions.

### **Policy Statement**

#### **1. Introduction:**

Grant programs are becoming increasingly competitive with a particular focus on merit based applications, as well as having stringent reporting requirements. This Policy and related documents will enable Council to take a proactive approach towards financial and information management relating to grant funds.

#### **2. Scope:**

This policy applies to the grants and funding of events, facilities, activities or the functions of Council where appropriate.

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**3. Definitions:**

For the purpose of this policy:

- Grants are defined as funds, from government or private sources, available to Council on complying application, for specified uses to achieve agreed aims. Rigorous accounting for spending is required.

**4. Grants Policy:**

Council will actively seek additional resources through grants or funding to provide services or facilities to the community in keeping with Council's strategic goals, community needs and Council activities.

Council will prepare grant applications and assess grants offered in accordance with this policy and associated management procedures and criteria. Particular attention will be paid to the requirements from Council specifically to new assets (such as matching funding) or to maintain assets or services.

Where there are cost implications for Council outside the approved budget (including both direct and indirect costs that may be incurred), proposed submissions must be reported to Council for endorsement and consideration of budget variations.

The program or project for which grant assistance is sought must be aligned to Council's current Community Strategic Plan and Integrated Planning and Reporting suite of Plans. If new assets are to be acquired through grant funding, the life cycle cost of the asset/s must be considered prior to acceptance. The life cycle of each Council asset class is listed below:

Asset Class	Life cycle
Plant and Equipment <ul style="list-style-type: none"><li>○ Plant and Equipment, Road marking equipment</li><li>○ Office Equipment</li><li>○ Furniture and Fittings</li><li>○ Motor Vehicles</li></ul>	10 to 15 years 5 to 10 years 5 to 20 years 5 years
Buildings	45 to 75 years
Other Structures	15 to 50 years
Roads <ul style="list-style-type: none"><li>○ Sealed Road – Surface</li><li>○ Unsealed Road – pavement base</li><li>○ Kerb &amp; Gutter</li></ul>	25 years 30 years 80 years
Bridges <ul style="list-style-type: none"><li>○ Concrete</li></ul>	100 years

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○ Timber	40 to 100 years
Footpaths	80 years
Stormwater and Flood control structures	100 years
Water Supply and Sewerage	
○ Reservoirs	100 years
○ Bores	25 to 50 years
○ Pump Stations	25 to 70 years
○ Pumps	25 years
Swimming Pools	50 years
Playground Equipment and Park Furniture	15 years

\*Note asset management framework to be provided for Council review and adoption.

## **5. Review**

This policy shall be reviewed regularly to ensure that it meets the requirements of legislation and the needs of Council.

## **6. Related Documents:**

- Grants Administration Procedures;
- Purchasing – Acquisition of Goods and Services;
- Community Strategic Plan.

## **7. Related Legislation**

The following legislation and Council policies that are relevant to this Policy include:-

- Crown Land Management Act 2016;
- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Act Regulations 2000;
- Government Information (Public Access) Act 2009 ;
- Government Information (Public Access) Regulation 2018;
- Government Information (Public Access) Amendment Act 2012;
- Independent Commission Against Corruption Act 1988;
- Local Government Act 1993;
- Local Government (General) Regulation 2005;
- Privacy and Personal Information Protection Act 1998;
- State Records Act 1998;
- Code of Business Practice;
- Code of Conduct;
- Code of Conduct Procedures;
- Government Information (Public Access) Policy;

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- Lands under Council Jurisdiction Policy;
- Management of Leases and Licenses Procedure;
- Plan of Management – Parks, Sporting Fields & General Reserves;
- Privacy Management Plan;
- Records Management Policy;
- Statement of Ethical Principles; and
- Any other relevant legislation and guidelines as applicable.

**8. VARIATION**

Council reserves the right to vary or revoke this policy.

**ITEM 14.8                      LEASING-LICENSING OF COUNCIL PROPERTIES POLICY REVIEW**

**297/19                      RESOLVED by Cllr Searl and Cllr McCormack**

1. Council adopts the reviewed Leasing-Licensing of Council Properties Policy.

- CARRIED

**Councillors who voted for:-**

Cllrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-      Nil**

<b>POLICY:-</b>	
Policy Title:	Leasing/Licensing of Council Properties Policy
File reference:	F13/77-06
Date Policy was adopted by Council initially:	18 November 2010
Resolution Number:	439/10

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Other Review Dates:	18 November 2010; 19 September 2013
Resolution Number:	439/10; 299/13
Current Policy adopted by Council:	17 October 2019
Resolution Number:	297/19
Next Policy Review Date:	2024

<b>PROCEDURES/GUIDELINES:-</b>	
Date procedure / guideline was developed:	20 May 2010
Procedure/guideline reference number:	196/10

<b>RESPONSIBILITY:-</b>	
Draft Policy Developed by:	General Manager
Committee/s (if any) consulted in the development of this policy:	N/A
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	General Manager

**1. POLICY STATEMENT**

Council has a number of properties that it rents or leases to auspiced services, businesses, community organisations, employees and private individuals. These properties may include office space, business premises, caravan parks, residences and public lands.

Council will implement guidelines that document the range of activities or uses that are subject to an approval or consent of Upper Lachlan Shire Council and will obtain appropriate rentals for the use of public land.



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Council will apply the principles of consistency, transparency and accountability to the procedures relating to Council's leases and licenses in order to ensure appropriate use and management of Council controlled land.

It is important that Council makes the best use of its properties and obtains the `best return available for the benefit of the whole community. It is also important that all aspects of the leasing/licensing process must be fair and honest and transparent.

**2. APPLICATION**

This policy applies to the leasing or licensing of Council-owned property/properties.

**3. DEFINITIONS**

**3.1 Residential Property**

*A residential property* is one that is used for the purpose of residential occupation.

**3.2 Commercial Property**

*A commercial property* is one that is used for commercial or other purpose other than as a dwelling.

**3.3 Community Land**

*Community land* is land classified by Council in the Upper Lachlan Shire Local Environmental Plan 2010, as amended (from time to time) that should be kept for use by the general public (community). It cannot be leased or licensed for more than 30 years [s46 (3) Local Government Act 1993] and may only be leased or licensed for more than 5 years if public notice of the proposed lease or licence is given and, in the event that an objection is made to the proposed lease or licence, the Minister for Local Government's consent is obtained. If the land proposed to be leased is crown land under Council control, the consent of the Minister for Lands is also required prior to the issue of a lease or licence. Public parks can be an example of community land.

**3.4 Operational Land**

*Operational land* would ordinarily comprise land held as a temporary asset or as an investment, land which facilitates the carrying out by Council of its functions or land which may not be open to the general public, such as the Works Depot or Council Water or Sewerage Treatment Plants. Such land may be leased without the restrictions applied to community land.

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**4. DECISION TO LEASE/LICENSE**

When a Council property falls vacant, the following process will occur:

- (a) The General Manager shall determine whether the property continues to be required for Council purposes;
- (b) Should the General Manager determine that the property should be retained for future Council purposes then the property can remain vacant or be offered for lease or licence;
- (c) If the property is deemed not required for Council purposes then the Council will resolve whether the property should be sold.

**5. ADVERTISING VACANCIES**

- (a) Should it be decided that a Council property is available for lease, then that property should be advertised in the local newspapers and /or by any other method that offers potential tenants an opportunity to apply;
- (b) Leases should be offered to suitable applicants who are able to meet Council's lease and rental requirements, on a first come first served basis;
- (c) Exceptions to this would be situations where Council's community service obligation requires that the property be offered to a suitable community organisation e.g., locations such as the Crookwell Health Care Centre or the Gunning Community Health Service, where the principle of co-location requires that the vacant spaces be made available to health related services.

**SETTING OF RENTS**

- (a) All rental shall be at market rental rate, assessed by a Registered Real Estate Valuer (rounded to the nearest dollar);
- (b) Rentals determined by special arrangements, such as at the Gunning Community Health Service, are exempted from Clause 6(a);
- (c) All residential rentals shall be valued in March each year and the review will be in accordance with the market trend of the previous year, i.e. CPI (Sydney - all groups) adjustment;
- (d) Commercial rentals will be reviewed annually in accordance with the terms of the respective lease;

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- (e) All rents will be included in Council's Schedule of Fees and Charges each year.

**6. LEASES/LICENCES**

- (a) All tenants, excepting community organisations that occupy Council properties by special arrangement, must enter into a lease/licence prior to taking occupancy of the property;
- (b) Community organisations occupying Council properties by special arrangement must sign a letter of agreement prior to taking occupancy.
- (c) Appropriate insurance provisions must be included indemnifying Council from claims for compensation.

**7. DURATION OF LEASES/LICENCES**

- (a) The normal duration for residential leases will be 3 years;
- (b) The normal duration of non-residential leases will be 3 to 5 years;
- (c) Where a property is classified as operational land it may be leased or licensed for a period longer than 5 years by mutual agreement;
- (d) Where a property is classified as community land it may be leased or licensed for between 5 and 30 years by agreement with Council only after public notice of the proposed lease or licence is given and, in the event that an objection is made to the proposed lease or licence, the Minister's consent is obtained;
- (e) No property classified as community land may be leased or licensed for more than 30 years.

**9. SURETIES**

- (a) All tenants, other than Council employees and community organisations that occupy Council properties by special arrangement, will be required to deposit a bond or security;
- (b) Employees need not deposit any bond or security, but will authorise a deduction from their salary/wages equal to the rent.
- (c) All tenants, other than Council employees, shall pay their rent in advance;

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**10. TERMINATION OF LEASE**

Notice of termination requirements will be set out in individual leases. If the tenant is a Council employee however, then:

- (a) If repairs are required to the premises upon termination of the lease, the cost of such repairs, to the maximum of 4 weeks rent as set out in Council's Schedule of Fees and Charges, after consultation with the employee, shall be garnished from any termination payment or salary payment made to the tenant, as an employee of the Council, after the premises have been vacated;
- (b) Should the tenant of a residential property cease to be an employee of the Council, the lease shall terminate, subject to the required notices being served.

**11. GST**

- (a) No GST will be applicable to the rental income for residential properties except where the property is defined as a commercial residential property;
- (b) GST is applicable to rental income from non-residential properties.

**12. SPECIAL ARRANGEMENTS**

On occasions Council may resolve to provide an individual or organisation with occupancy of a property on a non-commercial basis. This may involve subsidised rental, repayment of rental as a donation, or free rental as an in-kind contribution. In any of these situations the following will apply:

- (a) Rental shall be assessed by a Registered Real Estate Valuer;
- (b) All rents will be included as assessed in Council's Schedule of Fees and Charges each year;
- (c) The above information will be used to calculate the degree of subsidisation (foregone rental income) involved in the special arrangement;
- (d) All tenants entering special arrangements are required to sign a Letter of Agreement prior to taking up occupancy;
- (e) All existing tenants in special arrangements will be encouraged to sign a Letter of Agreement to formalise the occupancy arrangements.
- (f) Where the property is unfenced, a longer leasing term may be negotiated but fencing must be erected at the lessee's cost if stock are to be placed on the property.
- (g) Council will not be responsible for connecting water to leased properties, the connection of water will be at the lessee's cost, if required.

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**13. DELEGATION**

- (a) The General Manager is authorised to offer/accept a lease (or licence if applicable) agreement for any Real Estate of the Council not required for immediate use and obtain the best rental/licence fee having regard to, but not limited to, the assessment of market rent determined by a Registered Real Estate Valuer;
- (b) The Mayor and the General Manager are authorised to sign a lease/licence under seal of Council for any Council property covered under Clause 13(a) of this Policy.

**14. NON-COMPLIANCE WITH THIS POLICY**

Failure to comply with the terms of this policy may lead to disciplinary procedures being implemented against the responsible staff member.

Any instances of corrupt conduct can lead to dismissal and/or criminal prosecution.

**15. REVIEW**

This policy shall be reviewed regularly to ensure that it meets the requirements of legislation and the needs of Council.

**16. RELEVANT LEGISLATION AND COUNCIL POLICIES**

The following legislation and Council policies that are relevant to this Policy include:-

- 1. Code of Business Practice;
- 2. Code of Conduct;
- 3. Code of Conduct Procedures;
- 4. Complaints Management Policy;
- 5. Crown Lands Act 1989;
- 6. Disposal of Council Real Estate Policy;
- 7. Environmental Planning and Assessment (EPA) Act 1979;
- 8. Government Information (Public Access) Regulation 2009;
- 9. Government Information (Public Access) Act 2009;
- 10. Government Information (Public Access) Policy;
- 11. Government Information (Public Access) Amendment Act 2012;
- 12. Independent Commission against Corruption Act 1988;
- 13. Lands under Council Jurisdiction Policy
- 14. Local Government Act 1993;
- 15. Local Government (General) Regulations 2005;
- 16. Management of Leases and Licenses Procedure;
- 17. Plan of Management – Parks, Sporting Fields & General Reserves;

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18. Privacy and Personal Information Protection Act 1998;
19. Privacy Management Plan;
20. Records Management Policy;
21. State Records Act 1998;
22. Statement of Ethical Principles;
23. Any other relevant legislation and guidelines as applicable.

**17. VARIATION**

Council reserves the right to vary or revoke this policy.

*The minute adjourned for a short break the time being 8.00pm.*

*The meeting resumed the time being 8.10pm*

**SECTION 15: LATE REPORTS**

Nil

**SECTION 16: REPORTS FROM OTHER COMMITTEES, SECTION 355  
COMMITTEES AND DELEGATES**

**ITEM 16.1 REPORTS FOR THE MONTH OF SEPTEMBER 2019**

**298/19** **RESOLVED** by Clr Searl and Clr McCormack

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

1. Kiamma Creek Land Care Group – Minutes from Annual General meeting held 1 August 2019.
2. Collector Village Pumpkin Festival – Minutes from meeting held 12 August 2019.
3. Economic Development Task Force – Minutes from meeting held 30 September 2019.
4. Crookwell District Art Gallery – Minutes from meeting held 29 August 2019.
5. Audit, Risk and Improvement Committee – Minutes from meeting held 9 October 2019.

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**299/19**

**RESOLVED** by Cllr McCormack and Cllr Cummins that:

The recommendations 4.1 - 4.7 listed below of the Audit, Risk and Improvement Committee minutes from meeting held 9 October 2019 be adopted.

**Item 4.1 Correspondence for the month of October 2019**

That Item 4.1 Correspondence/Information listed below be received:

1. Office of Local Government – Your Council Website Launch.
2. Office of Local Government – Circular 19-20 – A new internal audit and risk management framework.

**Item 4.2 Council Investments Portfolio to 31 August 2019**

The report on Council's investment portfolio is received and information noted.

**Item 4.3 Review of Audit, Risk and Improvement Committee Charter**

1. Council adopts the reviewed Audit, Risk and Improvement Committee Charter.
2. The meeting fee be set at \$400 for the independent members of the Audit, Risk and Improvement Committee and \$500 for the Chairperson.

**Item 4.4 2018/2019 Capital Budget Program Report**

The 2018/2019 capital budget financial management reports are received and information noted.

**Item 4.5 2018/2019 NSW Audit Office Interim Management Letter to Council**

The NSW Audit Office Management Letter on the conduct of the interim audit for 2018/2019 has been received and Council Management responses are endorsed.

**Item 4.6 2018/2019 Financial Statements**

The 2018/2019 Council Financial Statements are received and endorsed by the Audit, Risk and Improvement Committee for the independent audit by the Audit Office of NSW.

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**Item 4.7 Committee Chairperson Report to Council**

The Committee receive and note the report as information.

*Clr Cummins and Clr Culhane requested that their name be recorded as against the motion.*

- CARRIED

**Councillors who voted for:-** Clrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-** Nil

A foreshadowed motion was moved by Clr Cummins and Clr Opie that:

1. The Acting General Manager prepares a report back to Council in response to the issues raised in the Audit, Risk and Improvement Committee Chairperson's report.

On being put to the meeting the motion was carried.

**300/19**

**RESOLVED** by Clr McCormack and Clr Cummins that:

1. The Acting General Manager prepares a report back to Council in response to the issues raised in the Audit, Risk and Improvement Committee Chairperson's report.

- CARRIED

**Councillors who voted for:-** Clrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-** Nil



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**SECTION 17:      NOTICES OF MOTION**

**ITEM 17.1            NOTICE OF MOTION - BUSINESS CASES FOR CONTINUUM FINANCIAL BENEFIT**

**RESOLVED** by Clr Cummins and Clr Opie

That the Acting General Manager prepares a report to Council detailing the options available to Council to prepare Business Cases for the establishment of:-

1. Aged Housing and Aged Independent Living Facility
2. Waste to Energy Facility
3. Transport Hub Facility
4. Waste reuse Crushed Glass to Road Base Facility

within the Shire, which will provide a continuum financial benefit to Council.

- LOST

**Councillors who voted for:-**                      Clrs R Cummins, R Opie and D O'Brien

**Councillors who voted against:-**              Clrs P Culhane, B McCormack, J Searl, J Stafford and J Wheelwright

A foreshadowed motion was moved by Clr Stafford and Clr McCormack that:

1. Council upon the appointment of the new General Manager give priority to a workshop to determine a path forward for exploring economic development opportunities to create independent income streams.

On being put to the meeting the motion was carried.

**301/19                      RESOLVED** by Clr Stafford and Clr McCormack

1. Council upon the appointment of the new general manager give priority to a workshop to determine a path forward for exploring economic development opportunities to create independent income streams.

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**Councillors who voted for:-** Clrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-** Nil

**ITEM 17.2 NOTICE OF MOTION - THE USE OF GRANT MONIES**

***Motion Withdrawn***

That the Acting General Manager prepares a Policy for the use of Federal and State Grants

**ITEM 17.3 NOTICE OF MOTION - APPOINTMENT OF GENERAL MANAGER**

That in compliance with the McArthur Candidate Information Pack- General Manager, Upper Lachlan Shire Council; Council select three (3) Councillors to be Council's representatives with the McArthur Consultants on the selection and final interview panel to appoint a new General Manager.

A foreshadowed Amendment was moved by Clr Culhane and Clr Wheelwright that:

1. The existing Performance Review Committee with the exception of Clr O'Brien become the new appointed Selection Committee comprising of Mayor Clr Stafford, Deputy Mayor Clr Searl and Clr McCormack.

On being put to the meeting the motion was carried.

**302/19**

**RESOLVED** by Clr Culhane and Clr Wheelwright that:

2. The existing Performance Review Committee with the exception of Clr O'Brien become the new appointed Selection Committee comprising of Mayor Clr Stafford, Deputy Mayor Clr Searl and Clr McCormack.

- CARRIED

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**Councillors who voted for:-** Clrs P Culhane, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-** Clrs R Cummins and R Opie

**ITEM 17.4**  
**303/19**

**NOTICE OF MOTION - REVIEW OF COMMITTEES**

**RESOLVED** by Clr Opie and Clr Cummins

That Council implements a workshop to review the relevance or purpose of all the existing committees as listed under schedule B of the Council agenda format and committee structure report presented to Council at the September 2019 Ordinary Council Meeting.

- CARRIED

**Councillors who voted for:-** Clrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-** Nil

**304/19**

**RESOLVED** by Clr Searl and Clr McCormack

1. That Council extend the meeting until 9.30pm

- CARRIED

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**SECTION 18:      QUESTIONS WITH NOTICE**

**ITEM 18.1            CUSTOMER REQUEST MANAGEMENT SYSTEM (CRMS)**

Refer to the Business Paper for 17 October 2019 Council Meeting for the General Managers comments.

**ITEM 18.2            EVENT APPROVALS**

Refer to the Business Paper for 17 October 2019 Council Meeting for the General Managers comments.

**CLOSED COUNCIL ITEMS**

*Mayor Stafford announced that the meeting would now be moving into Closed Session and read the statement below.*

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) (g) 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:

**305/19                    RESOLVED by Cllr Searl and Cllr Wheelwright**

1. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to 10A (2) (g) 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) (g) as outlined above.
3. 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

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Council closed its meeting at 9.15pm and the public, staff and press left the chambers.

**306/19**                    **RESOLVED** by Clr Searl and Clr Culhane

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

- CARRIED

Open Council resumed at 9.25pm.

**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            OUTCOME OF THE ENVIRONMENTAL INVESTIGATION AT THE CROOKWELL DEPOT**

**307/19**                    **RESOLVED** by Clr Searl and Clr McCormack

1. Council receive and note the Upper Lachlan Shire Council Crookwell Works Depot report from Coffey Services Australia Pty Ltd as information.
2. Council implement the recommendations contained within the report subject to a further detailed Environmental Site Assessment from Coffey Services Australia Pty Ltd.
  - Further targeted soil sampling within the north western part of the depot site to better define the extent of TRH soil concentrations neat the emulsion storage area.
  - One or two additional groundwater wells should be installed around the emulsion and bitumen cutter storage area in the north western portion of the site, to monitor for the presence of non-aqueous phase liquids (NAPL) / dissolved hydrocarbons in this area of the site and whether they may be affecting off site area including the adjacent residential properties to the west to south west.
  - Review the results of groundwater sampling and laboratory results of the three onsite well. If groundwater analysis has

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not occurred recently (i.e. last 12 months) undertake a sampling and assessment of groundwater. Inclusion of metals analysis as well as hydrocarbon compounds should be considered.

- If a full assessment of the depot has not been undertaken then undertake a thorough assessment of the site in line with the NSW EPA sampling guidelines. AS well as the depot potential sources further assessment of the metals concentration identified in this assessment in both onsite and offsite areas should be considered based on further land uses for the depot and off site areas.
3. Council authorises a revote of expenditure of \$18,000 (GST Exc.) for a further detailed Environmental Site Assessment report at the Crookwell Works Depot and adjacent Kiamma Creek.

- CARRIED

**Councillors who voted for:-**

Clrs P Culhane, R Cummins, R Opie, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-** Nil

**THE MEETING CLOSED AT 9.27pm**

Minutes confirmed 21 NOVEMBER 2019

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Mayor