

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 JULY 2021

PRESENT: Mayor J Stafford (Chairperson), Cr P Culhane, Cr J Searl, Cr D O'Brien, Cr P Kensit, Cr J Wheelwright, Cr B McCormack, Ms C Worthy (General Manager), Mr A Croke (Director Finance and Administration), Mr V Straw (Manager of Environment & Planning), Mr G Lacey (Director of Infrastructure), Miss K Dewar (Executive Assistant)

VIDEO: Mr C Gordon (Media Officer)

**THE MAYOR DECLARED THE MEETING OPEN AT
09:03am**

SECTION 1: NOTICE OF WEBCASTING/AUDIO RECORDING OF MEETING

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

The Mayor also advised the new requirements for Council meetings, requiring all Councillors and staff to wear masks during Council meetings as required by NSW Public Health Order for COVID-19.

SECTION 2: APOLOGIES & LEAVE OF ABSENCE

There were no apologies.

SECTION 3: CITIZENSHIP CEREMONY

Nil

SECTION 4: DECLARATIONS OF INTEREST

Nil

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SECTION 5: CONFIRMATION OF MINUTES

ITEM 5.1 **RESOLVED** by Mayor Stafford and Cr Searl
98/21

That the minutes of the Ordinary Council Meeting held on 17 June 2021 be adopted.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, 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**
99/21 **RESOLVED** by Mayor Stafford and Cr Searl

That Council receive and note the activities attended by the Mayor for June and July 2021.

Councillor Stafford noted that Councillor McCormack and Councillor Wheelwright be nominated as part of the LGNSW Local Government Association awards for meritorious service.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC

Nil

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SECTION 8: CORRESPONDENCE

ITEM 8.1 CORRESPONDENCE FOR THE MONTH OF JUNE/JULY 2021

100/21 **RESOLVED** by Cr Searl and Cr Kensit

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

1. Office of Local Government – Circular 21–09 – Crown Lands – Plans of Management funding extension – 7 June 2021
2. Office of Local Government – Circular 21–10 – Guidelines for Designated Rehoming Organisations under Section 88B of the Companion Animals Act 1998 – 9 June 2021
3. Office of Local Government – Circular 21–11 – Preparation of non-residential rolls – 10 June 2021
4. Office of Local Government – fortnightly e-newsletter – 11 June 2021
5. Office of Local Government – Circular 21-12 – “Electoral Matter” and use of Council resources prior to local government elections – 11 June 2021
6. Office of Local Government - Letter from Minister Hon Shelley Hancock - Emergency Service Levy Letter Payment - 15 June 2021.
7. Office of Local Government - Local Government Amendment to Act - 10 June 2021
8. Office of Local Government - Circular 21-14 - Transitioning back to in-person council and committee meetings - 28 June 2021

- CARRIED

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

Councillors who voted against:- Nil

SECTION 9: LATE CORRESPONDENCE

Nil

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SECTION 10: INFORMATION ONLY

ITEM 10.1 DEVELOPMENT STATISTICS FOR THE MONTHS OF JUNE 2021
101/21 RESOLVED by Cr Searl and Cr Kensit

1. Council receives and notes the report as information.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 10.2-10.8 INFORMATION ONLY ITEMS
102/21 RESOLVED by Cr Searl and Cr O'Brien

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

- CARRIED

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

Councillors who voted against:- Nil

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REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 11: ENVIRONMENT AND PLANNING

ITEM 11.1 NAMING OF THE KANGAROO CREEK BRIDGE, BIGGA
103/21 RESOLVED by Cr O'Brien and Cr Kensit

1. Council name the bridge the Trevor Picker Bridge.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 11.2 NAMING OF THE CROOKWELL MEMORIAL OVAL BUILDING
104/21 RESOLVED by Cr O'Brien and Cr McCormack

1. Council endorse the name Emily Chalker Sports Venue

- CARRIED

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

Councillors who voted against:- Nil

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ITEM 11.3 VEGETATION MANAGEMENT AND TREE REMOVAL
AMENDMENTS TO ULSC DCP 2010

105/21 RESOLVED by Cr Searl and Cr O'Brien

1. The Council advertise the proposed amendments to section 4.2.1 of the Upper Lachlan Development Control Plan 2010 for a minimum of 28 days in line with the Community Participation Plan.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 11.4 DEVELOPMENT APPLICATION 35 YASS STREET GUNNING

106/21 RESOLVED by Cr Searl and Cr Culhane

1. Council approve Development Application 57/2021 for a dwelling house on Lot 31 DP 557691 and detached shed subject to the relevant conditions of consent.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, 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 WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE
109/21 RESOLVED by Cr Searl and Cr McCormack

1. Council receive the report and note the information.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, 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 DELIVERY PROGRAM BI-ANNUAL REVIEW 2020/2021
110/21 RESOLVED by Cr Searl and Cr McCormack

1. Council adopt the Delivery Program Review and the Fit for the Future Action Plan Review for the six month period ended 30 June 2021.

- CARRIED

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

Councillors who voted against:- Nil

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ITEM 13.2 **ACCOUNTS RECEIVABLE BAD DEBT WRITE OFF**
111/21 **RESOLVED** by Cr Culhane and Cr O'Brien

1. Council approve the bad debt write-off for unrecoverable miscellaneous accounts receivable aged debtor in the name of NSW Rural Fire Service totalling \$16,631.40.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 13.3 **BUSINESS CONTINUITY PLAN**
112/21 **RESOLVED** by Cr Searl and Cr O'Brien

1. Council adopt the Business Continuity Plan.

- CARRIED

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

Councillors who voted against:- Nil

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ITEM 13.4 **REVIEW OF TOURISM EVENT FUNDING POLICY**
113/21 **RESOLVED** by Cr Searl and Cr O'Brien

1. Council adopts the reviewed Tourism Event Funding Policy.

- CARRIED

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

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Tourism Event Funding Policy
File reference:	F13/77-09
Date Policy was adopted by Council initially:	28 July 2005
Resolution Number:	200/05
Other Review Dates:	16 August 2011, 21 August 2014, 21 June 2018
Resolution Number:	323/11, 260/14, 184/18
Current Policy adopted by Council:	15 July 2021
Resolution Number:	113/21
Next Policy Review Date:	2024

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

RESPONSIBILITY:-	
Draft Policy Developed by:	Tourism Manager
Committee/s (if any) consulted in the development of this policy::	Nil
Responsibility for implementation:	Director of Finance and Administration
Responsibility for review of Policy:	Director of Finance and Administration

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Objective

Encourage the development and expansion of tourism events and to create a vibrant events calendar for visitors and local residents. Provide applicants with guidelines for event funding and outline the Upper Lachlan Shire Council's expectation for tourism events.

Purpose

The Upper Lachlan **Shire Council** would like to foster and financially support events that encourage visitors to visit more often, stay longer, enjoy more and see more of our Council area. This will, in part, be achieved by providing financial support for new and existing events in accordance with guidelines set out below.

Definitions

For the purposes of this policy, "Tourism" is defined as the short term movement of people to destinations outside the places where they normally live and work, together with their activities and experiences during these journeys. They may come for business or pleasure, they may stay overnight or come for the day, they may stay with friends and relatives or in paid accommodation.

A "Tourism Event" is an event, which receives the majority of its attendance from tourists.

Funding

i. New Events

Each financial year, the Upper Lachlan **Shire Council** will allocate \$1,500 towards the financial assistance of a new tourism event. The **Council** will finance one tourism related event to the value of \$1,500 per year for a period of two years. The aim is to assist events that will be sustainable without further significant financial support after that period.

ii. Existing Events

Each financial year, the Upper Lachlan **Shire Council** will allocate **\$1000** of its **tourism** budget to the support of existing events within the Shire. The aim is to support events that make the greatest contribution towards achieving the objectives of the **Tablelands Destination Development Plan 2020-2025 and the Upper Lachlan Destination Action Plan 2020-2025**. Small grants up to \$500.00 are available for a specific purpose.

iii. Unused Funds

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Any new or existing event funding that is not awarded during the grants process will be re-allocated to general advertising funds and used for the promotion of the Upper Lachlan Shire as a tourist destination.

The Upper Lachlan **Shire Council** will advertise for applications for new and existing tourism event funding during May each year with applications open for a minimum of four weeks.

Applications will be assessed on the basis of cost-benefit analysis. The level of contribution from the applicant for the event in cash and/or in-kind (voluntary labour and/or materials etc) will be highly favoured, as will efforts to seek funding from other sources. The Upper Lachlan **Shire Council** will only fund events that they consider viable and/or suitable and are consistent with the **Tablelands Destination Development Plan 2020-2025 and the Upper Lachlan Destination Action Plan 2020-2025**.

Decisions regarding funding allocations will be made by the Upper Lachlan **Shire Council** at its June meeting for funding in the next financial year. All applicants will be advised in writing of the outcome of their application and are welcome to seek feedback from the **Tourism Manager**.

Assessment Criteria

Assessment criteria include -

- Is the event aligned with the **Tablelands Destination Development Plan 2020-2025 and the Upper Lachlan Destination Action Plan 2020-2025**?
- Does the event primarily target tourists and how?
- What level of short and long-term visitation is the event likely to encourage?
- What is the likely economic impact of the event upon the Upper Lachlan?
- Is the event sustainable or does it have the potential to be self sustaining?
- Does the event have wider community support?
- Are there measures in place to gauge the success of the event?
- Does or will the event, comply with all relevant federal, state and local legislative requirements?
- Has the applicant conducted a thorough risk assessment and have risk management plans in place?

The funding round is a competitive process and the applicants are advised to include all detail that will assist **in** assessing the merits of the application.

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Terms and Conditions

Applications may be received from:

- Incorporated not-for-profit organisations
- School P&C Committees
- Churches and other charitable organisations
- Individuals, groups and unincorporated associations with a nominated auspicing body. An auspicing body is a legally constituted organisation that will take legal and financial responsibility for a grant if awarded
- Commercial enterprises

Applicants must reside within the Upper Lachlan Shire Council local government area.

All applications must be received in writing using either the “New Event” or “Existing Event” **online or hardcopy application form, addressing all of the assessment criteria**, to be eligible for funding.

All **hardcopy** applications are to be forwarded to the attention of the Tourism Manager – Upper Lachlan Shire Council – PO Box 303, Crookwell NSW 2583.

All approved funding will be reported to Council as part of the minutes from the Section 355 Upper Lachlan Tourist Association Committee.

Tourism event funding must be spent before the end of the financial year for which it is granted.

If a funded event does not go ahead for any reason, then any unspent funds must be returned **to the ULTA** within 30 days of the proposed event date.

The tourism event for which an applicant seeks funding must be based in the Upper Lachlan Shire local government area.

All grants awarded by the **Council** are made on the assumption of honest and full disclosure of information. Evidence of any breach of this trust will make the grant null and void; in which case any funds paid under this policy must be returned **to the Association**.

Any successful event organiser will be required to sign an Agreement document which specifies the conditions of the funding. This will include:-

- Post event evaluation report;
- Funds to be spent in accordance with the purpose identified in the application; and

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- Acknowledgements of the Council's contribution.

Applicants must provide indemnity for the ~~Upper Lachlan Tourist Association~~ and Upper Lachlan Shire Council from all claims, actions, damages, losses, expenses and liability. This is provided for in the Agreement.

Minutes from all event management meetings may be required to be forwarded to the Upper Lachlan Shire Council including financial statements.

All funded events must comply with the relevant local, state and federal legislation regarding temporary events including but not limited to Upper Lachlan Development Control Plan 2010, Upper Lachlan Local Environmental Plan 2010, NSW Food Authority Regulations and NSW Roads and Maritime Services Regulations.

RELEVANT LEGISLATION AND COUNCIL POLICIES

Council will process funding applications with reference to:-

- Local Government Act 1993 (as amended);
- Local Government (General) Regulations 2005;
- Environmental Planning and Assessment (EPA) Act 1979;
- Independent Commission against Corruption Act 1988;
- Work Health and Safety Act 2011;
- Government Information (Public Access) Act (GIPA) 2009;
- Anti Discrimination Act 1977;
- NSW State Records Act 1988;
- Government Information (Public Access) Act (GIPA) 2009;
- Tablelands Regional Community Strategic Plan 2036;
- Code of Conduct for Councillors, staff and delegates of Council;
- Privacy Management Plan;
- Complaints Management Policy;
- ~~Section 355 Committee Policy;~~
- Tablelands Destination Development Plan 2020-2025
- Upper Lachlan Destination Action Plan 2020-2025
- Bribes Gifts and Benefits Policy;
- Grievance Policy;
- Disciplinary Policy; and
- Any other relevant legislation and guidelines as applicable.

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Variation to Policy

Council reserves the right to vary the terms and conditions of this policy.

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ITEM 13.5 **REVIEW OF PUBLIC ART POLICY**
114/21 **RESOLVED** by Cr Searl and Cr Culhane

1. Council adopts the reviewed Public Art Policy.

- CARRIED

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

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Public Art Policy
File reference:	F13/618-04
Date Policy was adopted by Council initially:	26 June 2008
Resolution Number:	200/08
Other Review Dates:	16 August 2011, 21 August 2014, 21 June 2018
Resolution Number:	323/11, 260/14, 184/18
Current Policy adopted by Council:	15 July 2021
Resolution Number:	114/21
Next Policy Review Date:	2024

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

RESPONSIBILITY:-	
Draft Policy Developed by:	Tourism Manager
Committee/s (if any) consulted in the development of this policy::	Nil
Responsibility for implementation:	Director of Finance and Administration
Responsibility for review of Policy:	Director of Finance and Administration

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Objective

To provide guidelines for the encouragement, creation, placement and maintenance of public artworks in the Upper Lachlan Shire.

This policy is to –

- Provide a methodology, framework and procedures to assist the Upper Lachlan Shire Council to make decisions on public art projects from within the organisation, individuals, non-profit and commercial organisations and State and Federal funding bodies.
- Outline a clear application, assessment and implementation process for the completion of public art projects for the Shire.

Scope

This policy applies to any external or internally generated applications to undertake public art works, commissions, grants and major capital works.

Public Art Defined

For the purposes of this policy, “Public Art” is defined as work that exists within the public space; this shall include natural and built environments. For instance, a sculptural work in the local park or an entrance sign at the town fringe are both public art, as is a dimensional artwork displayed in a gallery, museum or library that is the property of the Upper Lachlan Shire Council. Public art may be permanent or temporary and it may be owned by Council or privately.

Public artwork is not signage or other works that promote a business, organisation or individual for commercial or personal gain.

Public art may be produced in three ways –

1. Professional commissioned work – this is work in a public space that a professional artist has been commissioned to design, fabricate (or oversee fabrication) and install (or oversee installation) to a client brief. That client may or may not be Council.
2. Donated work – this is work in a public space that has been gifted to the Upper Lachlan Shire and may or may not have been produced by a professional artist.
3. Community Art – this is work in a public space that has been developed through a community consultation and creative process under the guidance of a professional artist and to a client brief. That client may or may not be Council.

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it is highly recommended that public artworks intended for display in the Upper Lachlan Shire are not commissioned before discussing the project with Council to ensure that the applicant is fully aware of the potential requirements.

Basic Principles

The conception and installation of public art in the Upper Lachlan Shire shall be guided by the following principles:-

- Respect and consideration for cultural and natural heritage and existing landscape/streetscape.
- Respect and consideration for the past and present residents of the Shire and the natural and built environments, which provide the region with points of difference, interest and creative environs.
- Respect and consideration for local identity, sense of place and current usages of the space.
- Respect, consideration and valuing of the cultural diversity within the community and of those who visit.
- Consideration of means in which to provide equitable opportunities for participation.
- Consideration and establishment of networks, partnerships and co-ordination responsibilities.
- The concept, design and fabrication of work should utilise local artists, fabricators and cultural industry workers as and where appropriate.
- Where local skills are not available applicants should seek to use avenues in which skill sharing and development at a local level can occur.

Respect and value for “the artist” and their right for creative licence, copyright, appropriate wages and adequate timeframes in which to complete the work.

Projects should utilise contracts that clearly outline the rights and responsibilities of each party including, where appropriate, a shared copyright agreement regarding public art work.

- Projects should ensure that maintenance schedules, budgets and responsibilities are identified at the time of conception.

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- In particular, projects that reflect the themes of local industry, local flora and fauna, heritage, indigenous, historical icons including residents, clean environment and prospectors/miners should be given support as these were identified in the community consultation process.

Schedule of Conditions for the Approval of Public Art Works

Upper Lachlan Shire Council, wherever possible, encourage public art works that meet the following conditions:-

- Applicants must be able to demonstrate that they have the necessary funding, expertise and commitment to undertake the project.
- The design must integrate with existing artworks where applicable.
- 2.
 - Applicants must provide detailed design plans and/or drawings of the proposed public artwork. The plans must indicate the dimensions of the work, materials to be used, costing, timeframes for completion and the proposed location.
- 3.
 - Applicants must be prepared to enter a contract with Council that guarantees completion of the work in a manner approved by Council. (this is in addition to any documentation required for a development approval and brief)
- 4.
 - Where required, applicants must complete a risk assessment and all other documents as outlined in the brief and this must be approved by Council's Department of Environment and Planning.

Approval Process

Public art can be acquired via purchase through capital, fundraising and/or donation.

The Upper Lachlan Shire Council will approve a public art project using the following process –

- Applications must be addressed to the General Manager, in writing, describing the project and demonstrating how the project meets the Schedule of Conditions.
- The General Manager will convene a meeting of staff with representation from Environment and Planning, Tourism, Economic Development and any other functions deemed appropriate to the proposed project.
- The meeting will determine if a development approval is deemed to be required, in accordance with all relevant regulations, and advise the applicant of the required documentation.

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- Projects that require a development application will follow the Council's standard processes with regard to development assessment and approval and comply with all relevant regulations.
- If a development application is deemed not to be required, the General Manager can determine what level of community consultation is appropriate to ensure all stakeholders are informed and have opportunity to comment.
- For all projects, staff will prepare a report for the General Manager recommending approval or rejection once the necessary assessments and consultations have been completed.

Public Art Plan

The Upper Lachlan Shire Council is committed to a cohesive public art program that addresses the desires and concerns of shire residents. Council will therefore work with Southern Tablelands Arts (STA) and interested members of the public to develop a Public Art Plan for the endorsement of Council. The plan will integrate with the Upper Lachlan Shire Cultural Plan and take into account any other streetscape, landscape or public developments planned within the Shire.

Maintenance and Care of Public Art Works

Any public art work approved by the Upper Lachlan Shire Council will be the responsibility of Council unless stipulated otherwise during the approval process. Accordingly Upper Lachlan Shire Council will:-

- Record any artwork in a public register;
- Ensure that the work is valued and adequately insured; and
- Regularly inspect the condition of the work and carry out, or request, any maintenance required **unless the piece was originally designed to be temporary.**

If the work has been damaged or deteriorated to the extent that it is dangerous or an eyesore, Council shall co-ordinate the restoration, relocation or removal of the piece, whichever is deemed most appropriate.

Artist contracts, maintenance, valuations and insurance shall be negotiated on an individual basis. Upper Lachlan Shire Council will not be responsible for maintenance unless approved by the General Manager. Public artworks commissioned by external commercial developers will not be maintained by Council.

Relevant Legislation and Council Policies

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Council will process/assess applications with reference to:-

- Local Government Act 1993 (as amended);
- Local Government (General) Regulations 2005;
- Environmental Planning and Assessment (EPA) Act 1979;
- **Upper Lachlan Local Environmental Plan 2010 (LEP 2010)**
- Independent Commission against Corruption Act 1988;
- Work Health and Safety Act 2011;
- Government Information (Public Access) Act (GIPA) 2009;
- Anti Discrimination Act 1977;
- Code of Conduct for Councillors, staff and delegates of Council;
- Complaints Management Policy;
- Cultural Plan;
- Public Art Plan;
- Bribes Gifts and Benefits Policy;
- Grievance Policy;
- Disciplinary Policy; and
- Any other relevant legislation and guidelines as applicable.

Variation to Policy

Council reserves the right to vary the terms and conditions of this policy.

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ITEM 13.6 **REVIEW OF TOURISM SIGNAGE POLICY**
115/21 **RESOLVED** by Cr Searl and Cr O'Brien

1. Council adopts the reviewed Tourism Signage Policy.

- CARRIED

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

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Tourism Signage Policy
File reference:	F10/618-04
Date Policy was adopted by Council initially:	22 March 2007
Resolution Number:	99/07
Other Review Dates:	16 August 2011, 19 June 2014, 21 June 2018
Resolution Number:	323/11, 189/14, 184/18
Current Policy adopted by Council:	15 July 2021
Resolution Number:	115/21
Next Policy Review Date:	2024

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

RESPONSIBILITY:-	
Draft Policy Developed by:	Tourism Manager
Committee/s (if any) consulted in the development of this policy::	Nil
Responsibility for implementation:	Tourism Manager
Responsibility for review of Policy:	Director of Finance and Administration

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OBJECTIVE

Provide guidelines for the provision of signs, on a road reserve, to facilities, services and tourist attractions.

Council's intention is to ensure that adequate signposting is provided to guide the public to facilities, services and tourist attractions. Signposting is part of the total information system consisting of signs, maps, brochures, visitor information centres, information bays and the like.

This signposting policy aims to:-

- Enhance road safety and the orderly movement of traffic by providing timely information and reducing erratic movements; and
- Provide a consistent approach to applications for signposting.

BACKGROUND

A large percentage of tourism inflow into the Upper Lachlan Shire arrives via the road network. Council considers that tourism and tourist-related activities depend to an extent on effective and appropriate signposting.

Roads in the Shire fall into one of two categories:-

1. RMS controlled roads – State and Regional Main Roads; and
2. Upper Lachlan Shire Council controlled roads - Local road network.

PRINCIPLES

Signage to tourism facilities is not granted "as of right" and not for promotional purposes. It is only considered and granted by the road authorities on the basis of motorist safety and traffic management principles.

Signage for tourist attractions uses the international convention of white lettering on a brown background, while signing for tourist accommodation and not-for-profit facilities uses white lettering on a blue background.

Tourism signage will not be granted to compensate for a poorly located tourism facility. Selection of a site suitable to capture visitation should be a primary consideration when establishing a tourism business.

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TOURISM SIGNPOSTING ON RMS ROADS

Signing for tourist attractions on the RMS controlled road network is permissible according to the guidelines set out in the RMS publication "Tourist Signposting V4.0 2012".

Application for signposting on the RMS road network is made to the joint RMS / Destination NSW "Tourism Attractions Signing Advisory Committee

ASAC). TASAC may consult with the local road authority and the local RMS office but its decisions are binding.

TOURISM SIGNPOSTING ON THE LOCAL ROAD NETWORK

The following applies specifically to signage for tourism attractions and services on the local road network within the Upper Lachlan Shire; i.e. those roads under the sole jurisdiction of Council. As a general principle, Council will follow the guidelines set out in the RMS documents "Tourist Signposting V4.0 2012" and "Service Signposting 2010" where appropriate.

An eligible tourism attraction in the townships may be signed at one, or sometimes, two points from its nearest arterial road/s.

To be eligible for tourism facility signing on the local road network a business must:-

- Open for at least five days a week including the weekend and school holidays;
- Offer the public a tourism experience (as opposed to retail) as its core operation;
- Meet all statutory requirements of the State and local authorities;
- Be appropriately signed within its property line and clearly visible to passing motorists;
- Provide detailed navigational advice on collateral marketing and visitor information material;
- Wineries must have a purpose built facility for wine tasting (cellar door);
- Art galleries and craft outlets must either feature a resident artist or craftsman, display a production process or provide more than 50% of their artwork from local / regional artists / craftspeople. All other galleries / craft outlets are considered to be retail in nature and do not qualify for tourism signing; and
- Primary production attractions must display quality interpretive material and / or provide guided tours of the production process.

Tourist attractions opening on a seasonal-only basis are not eligible for permanent signing and are encouraged to use the visitor information sources to communicate with the public.

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SIGN LOCATION AND DESIGN

Commercial tourism services (eg motels, hotels, B&Bs, self contained cottages etc) can be signed at one point from their nearest arterial road.

Caravan and camping parks in the townships are eligible for a maximum of two signs from key arterial routes. They must be located no more than 3km from the business. Intermediate signing may be provided using Australian Standard symbols.

Where the most logical point for a tourism service (i.e. accommodation) is at the intersection of a local road and an RMS controlled road, the business may be eligible to be signed at that intersection provided that the actual sign is located in the road reserve of the local road and not the RMS controlled land.

Within the townships, the business must be located within 3 km of the signing point/s. Eligible businesses in rural areas may be signed up to 10km from the signing point/s.

Reference to commercial tourism facilities will usually be made by abbreviated name and the relevant Australian Standard symbol where available.

Signing to tourism facilities more than 1 km distant from the signing point must carry a distance indicator, rounded up to the next whole number.

Signing may not be granted where the location of a tourism business will require extensive trail blazing signing from the nearest arterial route. The exceptions may be attractions attached to historical or unique natural features, which cannot be replicated elsewhere.

The style and size of the sign will be determined by the prevailing speed of traffic and other safety/traffic management considerations, determined by the road authority according to the Australian Standard and relevant traffic engineering standards.

Signing to eligible tourist facilities (i.e attractions and/or services) is limited to two business names at any permissible intersection. This complies with Australian Standard signposting principles as referenced in the RTA document "Tourist Signposting V4.0 2012".

Only symbols complying to Australian Standard AS2342 "Development, testing and implementation of information and safety symbols" and AS 1742 Part 6 "Service and tourist signs for motorists" will be used.

Logos and trademarks are not permitted to be used on tourist signposts. Logos depicting a touring route eg The Gold Trail, may in some instances, be permitted for limited display on a sign face, following satisfactory testing for legibility and comprehension under AS 2342.

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SIGNING PROCESS AND MANUFACTURE

Applications for tourist signposting must be submitted in writing to Council's Tourism Manager.

Signing requests will be considered in consultation with Council's Department's of Environment and Planning and Department of Infrastructure where required.

Council is not bound by any timeframe for the installation of tourist signposting.

The proprietor of the establishment requesting a sign will be required to pay a sum equal to Council's final cost of supply and installation. All future maintenance and replacement costs are to be met by the operator.

Damaged, destroyed or faded signs are required to be replaced at the request of the road authority, at the expense of the business proprietor.

If a business fails to continue to meet the conditions of eligibility, any signs will be removed by the road authority and no compensation will be owing.

Applicants will be advised in writing by the Tourism Manager of the progress and outcome of their signage application.

RELATED LEGISLATION AND COUNCIL POLICY AND PROCEDURES

Council will assess and process applications with reference to:-

- RMS Tourist Signposting V4.0 2012;
- RMS Service Signposting 2010;
- RMS Australian Standard Supplement – AS1742 V2.4 Parts 1-15;
- AS2342:1992(R2013) Development, testing and implementation of information and safety symbols;
- AS 1742 V2.4:2016 Manual of Uniform Traffic Devices;
- RMS Guidelines for the Signposting Associated with Accommodation Facilities;
- Local Government Act 1993 (as amended);
- Local Government (General) Regulations 2005;
- Environmental Planning and Assessment (EPA) Act 1979;
- Independent Commission against Corruption Act 1988;
- Work Health and Safety Act 2011;
- NSW State Records Act 1988;
- Government Information (Public Access) Act (GIPA) 2009;
- Code of Conduct for Councillors, staff and delegates of Council;
- Tablelands Regional Community Strategic Plan 2036;

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- Upper Lachlan Local Environmental Plan 2010 (LEP 2010);
- Tablelands Destination Development Plan 2020 – 2025;
- Upper Lachlan Destination Action Plan 2020 – 2025;
- Southern NSW Destination Management Plan 2018-2020;
- Upper Lachlan Streetscapes Themes Guide;
- Privacy Management Plan;
- Complaints Management Policy;
- Bribes Gifts and Benefits Policy;
- Grievance Policy; and
- Any other relevant legislation and guidelines as applicable.

VARIATION TO POLICY

Council reserves the right to vary the terms and conditions of this policy.

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ITEM 13.7 **INTERNAL AUDIT AND RISK MANAGEMENT POLICY**
116/21 **RESOLVED** by Cr Searl and Cr O'Brien

1. Council adopts the Internal Audit and Risk Management Policy.

- CARRIED

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

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Internal Audit and Risk Management Policy (previously titled: Risk Management Policy)
File reference:	F10/618-06
Date Policy was adopted by Council initially:	20 October 2011
Resolution Number:	391/11
Other Review Dates:	21 April 2016
Resolution Number:	87/16
Current Policy adopted by Council:	15 July 2021
Resolution Number:	116/21
Next Policy Review Date:	2024

PROCEDURES/GUIDELINES:-	
Procedures/Guidelines Title:	New Internal Audit and Risk Management Framework for Local Councils in NSW issued by the Office of Local Government

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

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OBJECTIVE

The Internal Audit and Risk Management Policy for Upper Lachlan Shire Council (the Council) seeks to strengthen internal audit, risk management and governance practices across Council by achieving the following key objectives:-

Objective 1:

To establish an independent Audit, Risk and Improvement Committee that adds value to Council.

Objective 2:

To establish a robust risk management framework that accurately identifies and mitigates the risks facing Council operations.

Objective 3:

To establish an effective internal audit function that provides independent assurance to the governing body that the Council is functioning effectively and the internal controls the Council has put into place to manage risk are working as intended.

POLICY

The Internal Audit and Risk Management Policy for Upper Lachlan Shire Council (the Council) is a mandatory policy which has been prepared to support the Council in fulfilling its legislative obligation under the Local Government Act and NSW Regulations by outlining minimum standards for risk management, internal audit and operation of the Audit, Risk and Improvement Committee (ARIC).

The Policy should be read alongside other policy and guideline papers that apply to Internal Audit and Risk Management for Local Councils in NSW, including the new "*Internal Audit and Risk Management Framework for Local Councils in NSW*" issued by the Office of Local Government.

The Council's internal audit function will support the Audit, Risk and Improvement Committee to fulfil its assurance responsibilities through the audit of particular risks, as identified in the internal audit function's work plan. The role of the Council's internal audit function in relation to risk management is to be documented in the Council's Internal Audit Charter.

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POLICY REQUIREMENTS

In order to achieve the Policy objectives the Council is required to meet the following core requirements of the Internal Audit and Risk Management Policy:-

POLICY OBJECTIVE	REQUIREMENT
Objective 1: Establish an Independent Audit, Risk and Improvement Committee that adds value to the governing body.	Core Requirement 1: Appoint an independent Audit, Risk and Improvement Committee.
Objective 2: Establish a robust risk management framework that accurately identifies and mitigates the risks facing Council operations.	Core Requirement 2: Establish a risk management framework consistent with the current Australian risk management standards.
Objective 3: Establish an effective internal audit function that provides independent assurance to the governing body that the Council is functioning effectively and the internal controls the Council has put into place to manage risk are working as intended.	Core Requirement 3: Establish an internal audit function mandated by an Internal Audit Charter.
	Core Requirement 4: Appoint internal audit personnel and establish reporting lines.
	Core Requirement 5: Develop an agreed internal audit work program.
	Core Requirement 6: Develop an agreed internal audit methodology to guide how internal audits are performed and reported.
	Core requirement 7: Undertake ongoing monitoring and reporting.
	Core requirement 8: Establish a quality assurance and improvement program.
	Core requirement 9: Establish shared internal audit arrangements.

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Requirements for an Attestation Statement

The General Manager shall attest the Council's compliance with the Core Requirements of the Internal Audit and Risk Management Policy in an Attestation Statement published in the Council's annual report, with a copy provided to Office of Local Government on or before 31 December each year.

The General Manager shall self-assess and determine whether the Council has been 'compliant', 'non-compliant' or 'in transition' in relation to each of the Core Requirements of the Internal Audit and Risk Management Policy for the reporting period.

The Independent Chairperson of the Audit, Risk and Improvement Committee is to also sign the attestation statement where he/she agrees that it is a true and accurate reflection of the Council's compliance status against core requirements.

ROLES AND RESPONSIBILITIES

It is the responsibility of all Council's Managers and staff to manage risk. The following table details specific roles and responsibilities of Managers and staff in relation to risk management and internal audit.

Council Official	Responsibility
Councillors	The Councillors have ultimate responsibility and accountability for risk management and internal audit implementation at Council.
General Manager	<ul style="list-style-type: none">• Approving the Council's risk management plan, risk treatment plans, risk register and risk profile.• Recommending the Council's Internal Audit and Risk Management Policy and risk criteria for the endorsement of the Audit, Risk and Improvement Committee and approval of the governing body of Council.• Overseeing the Council's risk management framework and ensuring it is effectively communicated, implemented and reviewed regularly.• Promoting and championing a positive risk culture.• Ensuring that all Council Managers and staff (permanent, temporary or contract) understand their risk management responsibilities and that these are included in all job descriptions, staff induction programs and performance appraisals.• Annually attesting that Council's risk management framework complies with statutory requirements, and• Approving the Council's implementation of corrective actions recommended by the Council's internal audit function, external audits and the Audit, Risk and Improvement Committee.

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<p>Council Department Directors / Executive Management (MANEX)</p>	<ul style="list-style-type: none"> • Developing the Council's Internal Audit and Risk Management Policy. • Determining the Council's risk criteria. • Leading the risk management process - for example, evaluating the Council's internal and external context, identifying, assessing and prioritising risks and developing risk treatment plans and internal controls. • Developing the Council's risk register and risk profile. • Communicating and implementing the Council's Internal Audit and Risk Management Policy and plans across Council. • Advising/reporting on the performance and implementation of the Council's risk management framework to the General Manager, and • Reviewing recommendations for corrective actions from the Manager Audit, Risk and Improvement and Council's internal audit function and determining Council's response.
<p>Manager Audit, Risk and Improvement</p>	<p>Internal Audit</p> <ul style="list-style-type: none"> • Managing the day-to-day direction and performance of the Council's internal audit activities to ensure they add value to Council. • Supporting the operation of the Audit, Risk and Improvement Committee. • Development and review of Council's Internal Audit Plan. • Ensuring the Council's internal audit activities comply with statutory requirements, the IPPF and the Council's needs. • Developing, implementing and reviewing the Council's Internal Audit Charter, policies and procedures, work plans and quality assurance and improvement program. • Providing advice to the Audit, Risk and Improvement Committee and governing body of the Council on the adequacy and effectiveness of the Council's governance frameworks, risk management practices and internal controls. • Confirming the implementation by the Council of corrective actions that arise from the findings of internal audit activities, and • Managing internal audit personnel and ensuring that they have the skills necessary to perform audits and are up to date on current issues affecting the Council and on audit techniques and developments. <p>Internal Audits Program - outsourced</p> <ul style="list-style-type: none"> • Overseeing the service contract and the quality of audits conducted by the external provider (including overseeing the quality assurance and improvement program). • Ensuring that the Council retains control of the strategic direction of internal audit activities. • Reporting to the General Manager and the governing body of the Council on the adequacy and effectiveness of the Council's

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	<p>governance frameworks, risk management practices and internal controls (based on the findings provided by the external provider).</p> <ul style="list-style-type: none"> • Confirming the Council's implementation of corrective actions that arise from the findings of audits. • Developing policies and procedures that guide the audits conducted by the external provider. • Developing the internal audit annual work plan and strategic plan • Ensuring audit methodologies used by the external provider comply with the IPPF and are accessible to the Council (subject to any licensing restrictions), and • Supporting the operation of the Audit, Risk and Improvement Committee.
<p>Manager Audit, Risk and Improvement and Assets and Risk Coordinator</p>	<p>Risk Management</p> <ul style="list-style-type: none"> • Supporting the executive management group by coordinating and providing clear and concise risk information, advice and/or reports that can be used in planning and decision-making. • Coordinating the various activities relating to risk management within the Council. • Helping to build a risk management culture within the Council, including facilitating and driving risk management at the strategic and operational level within the Council and ensuring consistency in practice. • Ensuring there are easily accessible systems and processes in place to enable all staff to conveniently undertake risk management in their day-to-day work. • Ensuring risk management processes are applied consistently across the Council. • Organising appropriate staff risk management training and development. • Developing and maintaining a risk reporting framework to enable regular advising/reporting of key risks, and the management of those risks, to the executive management group. • Supporting Council staff with their risk management obligations and providing staff with advice and tools to ensure risk management compliance. • Implementing effective risk management communication mechanisms and information system/s • Establishing and maintaining an ongoing monitoring system to track the risk management activities undertaken within Council and assessing the need for further action. • Assessing risk management information for completeness, accuracy and consistency (for example, risk registers, risk treatment plans), and preparing advice or reports for the Audit, Risk and Improvement Committee and attending Committee meetings.

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Council Managers and Team Leaders/ Coordinators	<p>Risk Management</p> <ul style="list-style-type: none"> • Promoting awareness of risks and risk treatments that must be implemented. • Ensuring Council staff are implementing the Council's risk management framework as developed and intended and performing their risk management responsibilities. • Identifying risks that will affect the achievement of the Council objectives. • Establishing and/or implementing specific Council policies, operating and performance standards, budgets, plans, systems and/or procedures to manage risks, and • Monitoring the effectiveness of risk treatment and internal controls.
Council Staff	<p>Risk Management</p> <ul style="list-style-type: none"> • Helping to identify risks in their business unit. • Implementing risk treatment plans within their area of responsibility. • Adhering to Council policies. • Implementing and adhering to standard operating procedures (where applicable), and • Communicating or escalating new risks that emerge to their Manager.

LEGISLATION

The statutory framework regulating internal audit and risk management in NSW for councils includes:-

Local Government Act 1993 (NSW)

- Section 428A of the Local Government Act
- Section 428B of the Local Government Act
- Section 223 of the Local Government Act
- Section 413 of the Local Government Act
- Section 335 of the Local Government Act
- Section 338 of the Local Government Act
- Section 355 of the Local Government Act
- Section 377 of the Local Government Act
- Section 440 of the Local Government Act
- *Guidelines for NSW Local Government Audit, Risk and Improvement Committees, Risk Management Frameworks and Internal Audit Functions* issued under section 23A of the Local Government Act

Local Government (General) Regulation 2005 (NSW)

- Clause 209 of the Local Government Regulation

Governing standards

- ISO 31000:2009, Risk Management – Guidelines (AS/NZS ISO 31000:2018)
- The Institute of Internal Auditors (2017) International Professionals Practices Framework. International Standards for the Professional Practice of Internal Auditing

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Ownership and Approval

Responsibility	Role
Author	Manager of Audit Risk and Improvement
Owner	Director of Finance and Administration
Approver	General Manager

Variation

Council reserves the right to vary or revoke this policy in accordance with changes to Legislation and/or Council Policies and Procedures.

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ITEM 13.8 **REVIEW OF BRIBES, GIFTS AND BENEFITS POLICY**
117/21 **RESOLVED** by Cr Searl and Cr Kensit

1. Council adopts the reviewed Bribes, Gifts and Benefits Policy.

- CARRIED

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

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Bribes Gifts and Benefits Policy
File Reference:	F13/77-011
Date Policy was adopted by Council initially:	24 March 2005
Resolution Number:	86/05
Other Review Dates:	24 January 2008, 19 May, 2011, 20 March 2014 and 19 April 2018
Resolution Number:	36/08, 180/11, 66/14 and 112/18
Current Policy adopted by Council:	15 July 2021
Resolution Number:	117/21
Next Policy Review Date:	2024

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

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

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OBJECTIVE

The objective of this policy is to:-

1. Clearly define the behaviour required of Council officials in relation to gifts and benefits; and
2. Provide a transparent and accountable process with regard to gifts and benefits that promotes public confidence in the Council.

Any gift or benefit offered or accepted shall be subject to the provisions of this policy. The policy is intended to complement the Council's Code of Conduct, specifically Part 6 Personal Benefit.

POLICY STATEMENT

This policy applies to all council officials. A council official includes; Councillors, members of staff of a Council, Administrators, Council Section 355 committee members, delegates of Council and council advisors.

This policy extends its application to also include non-council officials including; volunteers, contractors and members of Council advisory committees.

A person must not:-

- Seek or accept a bribe, or other improper inducement;
- Seek or accept gifts or benefits of any kind;
- Accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty;
- Accept any gift or benefit of more than token value; subject to Part 6.7, of the Council Code of Conduct;
- Accept an offer of cash or a cash-like gift as defined by Part 6.13, of the Council Code of Conduct, regardless of the amount;
- Participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser;
- Personally benefit from reward points programs when purchasing on behalf of the Council;
- Use their position to improperly influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.

GIFTS AND BENEFITS

In a private context, gifts are usually unsolicited and meant to convey a feeling on behalf of the giver, such as gratitude. There is ordinarily no expectation of repayment. Gifts given in a private context are not the focus of this policy.

It is Council's preferred position that:-

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- Gifts and benefits are not offered to Council officials and non-council officials;
- Gifts and benefits are not to be solicited;
- Gifts and benefits should be actively discouraged by Council officials and non-council officials;
- People doing business with Council should understand that they do not need to give gifts or benefits to Council officials to get high quality service.

Gifts and benefits fall into two categories, those that are more than a token value and those of a token value.

Gifts and benefits below a token value may be accepted, unless they are items listed in this policy as "Gift Items more than a Token value". For the purposes of this policy "token value" is described as goods and/or services which do not exceed \$100 in value.

On the rare occasion that gifts, other than those listed as having a token value, are accepted, the details of the gift must be disclosed and recorded in the publicly available Gifts and Benefits Register held by Council. These gifts become the property of Council.

Examples of gifts and benefits are listed in Part 6, of the Council Code of Conduct.

Gift Items more than a Token value

For the purposes of this policy, Council considers the following gift items to have more than a token value and are not to be accepted, including:-

- Tickets to sporting, social and cultural events or other entertainment;
- Sports team sponsorship by a supplier;
- Goods and items donated to Council and employee functions;
- Discounted products for personal use;
- Use of facilities such as gyms and holiday homes;
- Free or discounted travel and hospitality;
- Free "training excursions";
- Alcohol; over \$100.00
- Clothes;
- Prizes or Awards.

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BRIBES

Bribes should never be accepted. A council official and/or Non-council official offered a bribe should refuse it and report the incident as soon as possible to their Supervisor or Department Director or General Manager. Council will take steps to report the matter to ICAC and the NSW Police immediately.

Council officials must not offer or seek a bribe.

Receiving a bribe is an offence under both the common law and NSW legislation. The common law offence of bribery is defined as receiving or offering any undue reward by, or to, any person in public office in order to influence his or her behaviour in that office, and to incline that person to act contrary to the known rules of honesty and integrity.

Section 249B (1), of the Crimes Act 1900, creates an offence if any council official receives or solicits (or corruptly agrees to receive or solicit) from another person any benefit as an inducement to do, or not do, something in relation to their official duties. Similarly, it is an offence for a council official to corruptly receive or solicit (or corruptly agree to receive or solicit) any benefit that would in any way tend to influence that council official to show favour or disfavour to any person in relation to their official duties.

Any council official who breaches Section 249B (1), of the Crimes Act 1900, is liable to imprisonment for 7 years.

Section 249J of the Crimes Act also provides that custom is not a defence to the receiving, soliciting, giving or offering of any benefit. This means that a person cannot rely on the fact that it is customary to offer and receive gifts and benefits in his or her trade, business, profession or calling, as a defence.

GIFTS AND BENEFITS REGISTER

Council will maintain a Gifts and Benefits Register. The register will contain the following information:-

- The name of the recipient.
- The name of the person who offered the gift and their organisation.
- The decision taken in relation to the gift.
- The signature of the recipient's supervisor, General Manager or the Mayor.

It will be used to record all gifts and benefits that are received that are above a nominal value. The form to be utilised is the *Declaration of Gifts, Benefits or Hospitality*

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How to report /inform the Independent Commission against Corruption (ICAC)

ICAC may investigate allegations of corrupt conduct against **council officials and non-council officials**. ICAC may be contacted on (02) 8281 5999 or by writing to:-

ICAC
GPO Box 500
Sydney NSW 2001

RELEVANT LEGISLATION AND RELATED POLICIES

The Policy should be read in conjunction with:-

- *Local Government Act 1993*
- *Local Government (General Regulation) 2005*
- *Government Information (Public Access) Act 2009*
- *State Records Act 1998*
- *Public Interest Disclosures Act 1994*
- *Independent Commission Against Corruption Act 1998*
- *Crimes Act 1900*
- *Code of Conduct*
- *Code of Meeting Practice*
- *Disciplinary Policy*
- ***Records Management Policy***
- *Fraud and Corruption Prevention Policy*
- *Government Information (Public Access) Policy*
- *Interaction between Councillors and Staff Policy*
- *Complaints Management Policy*
- *Public Interest Disclosures Policy*
- *Local Government (State) Award 2020*
- *ICAC publication "No Excuse for Misuse, preventing the misuse of council resources"*.

VARIATION

Council reserves the right to vary or revoke this policy **in accordance with changes to Legislation and/or Council Policies and Procedures**.

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ITEM 13.9
118/21

PROCUREMENT POLICY

RESOLVED by Cr Searl and Cr McCormack

1. Council adopts the Procurement Policy.

- CARRIED

Councillors who voted for:-

Crs P Culhane, P Kensit, D
O'Brien, B McCormack, J Searl, J
Stafford and J Wheelwright

Councillors who voted against:-

Nil

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POLICY:-	
Policy Title:	Procurement Policy (Replacing Purchasing Acquisition of Goods and Services Policy)
File Reference:	F10/618-011
Date Policy was adopted by Council initially:	18 November 2004
Resolution Number:	319/04
Other Review Dates:	19 March 2009, 16 December 2010, 15 December 2011, 20 April 2017
Resolution Number:	116/09, 472/10, 489/11 109/17
Current Policy adopted by Council:	15 July 2021
Resolution Number:	118/21
Next Policy Review Date:	2024

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

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

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PART 1 - INTRODUCTION

1. BACKGROUND

1.1 Council staff have an obligation to procure goods and services to achieve the best value for money. To assist staff, this policy has been updated to provide simple practical guidance on the minimum obligations of any staff when spending public money. More detailed, specific requirements are listed within the appropriate procedure.

2. OBJECTIVE

2.1 The objective of this Policy is to set out the principles and framework for Council's procurement activities and to ensure that Council is at all times compliant with the *Local Government Act 1993*, *Local Government (General) Regulations 2005*, *Tendering Guidelines for NSW Local Government* and Council's Code of Conduct in relation to the procurement of goods and services.

2.2 Through the application of this Policy, Council is committed to the following:-

- Obtaining value for money for the Community;
- Fairness, openness, transparency and accountability;
- Making environmentally sustainable decisions;
- Eliminating any conflicts of interest;
- Ensuring probity
- Monitoring and evaluating performance;
- Providing policy and guidance on procurement activities to ensure consistency;
- Improving Council's procurement governance framework;
- Minimising risk.

3. SCOPE

3.1 This Policy applies to all procurement, tendering and contracting activities undertaken by Upper Lachlan Shire Council, other than statutory payments or payments for membership of regional or state organisations and is binding on Council Officers (i.e. staff, contractors, consultants, Committee members and volunteers) who are involved in any aspect of procurement on behalf of Council.

4. DELEGATED AUTHORITY

4.1 In order to purchase goods and services on behalf of Council, a *delegated authority* is required from the Council General Manager. Numerous employees of Council are charged with financial delegations for the *Purchasing and Procurement of Goods, Works and Services*. Employees may only procure goods and/or services applicable to their delegated authority.

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Financial delegations define the financial limitations within which specified staff may approve a purchase, quotation and contractual processes. Employees may only procure goods and/or services in accordance with these delegations.

PART 2 - POLICY STATEMENT

5. PURCHASING PROCEDURES

5.1 Prescriptive purchasing procedures are located in Council's *Procurement Procedures and Guidelines* documentation.

5.2 The procedures outline Council's requirements when procuring goods and/or services on behalf of Council. Different requirements apply, depending on the total value of the supply.

5.3 All goods and/or services procured on behalf of Council must be procured following these procedures.

5.4 Purchasing requirements includes; quotations, EOI and/or RFQ for goods and services less than \$250,000.00 (GST Inclusive). Employees are to provide suppliers with Council's standard approved Purchase Order and/or Contract Number prior to commencement of supply.

6. TENDERING PROCEDURES

6.1 Public tenders are *mandatory* for purchases, under *Section 55 (1) (2) of Local Government Act 1993*, where the total anticipated expenditure is \$250,000 (GST inclusive) or above over more than one accounting period. Council may also choose to tender for purchases below this limit.

6.2 Detailed tender procedures and a tender assessment checklist are contained in Council's *Procurement Procedures and Guidelines*.

6.3 It is noted that the process for public tendering may be waived when dealing with prescribed NSWBuy Government Contracts, Local Government Procurement (LGP), Disability Employment Organisations or Procurement Australia Contracts. Advice on this may be sought from Council's Financial Accounting Section and Council Procurement Coordinator.

6.4 Exemptions to tender requirements, under *Section 55 (3) of the Local Government Act 1993*, includes; purchases for emergency situations and procurement by a local council to other councils.

7. PROCUREMENT PROTOCOLS

7.1 Ethics and Probity

All Council Officers must comply with the standards of integrity, probity, professional conduct and ethical behaviour established by Council's *Code of Conduct*, Code of Business practices and Guidelines issued by ICAC.

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Council officials must disclose any potential or actual conflict of interest (whether pecuniary or non-pecuniary) in order to protect the public interest and prevent breaches of public trust.

Council has adopted a Code of Business Practice which sets out the standards of behaviour that Council expects from its private/public partners.

Probity auditors/advisors may be commissioned where deemed appropriate by Council's General Manager, in circumstances where additional professional knowledge, experience or independent recommendation is required.

7.2 Fraud and Corruption Principles

The principal elements of Council's Fraud and Corruption Prevention Policy are:-

- Preventing fraud at its origin, in particular, implementing effective control structures and procedures that aim to eliminate the prospect of fraud occurring;
- Making all staff, Councillors, contractors to Council and volunteers aware of their obligation to act ethically and to follow Council's Code of Conduct at all times;
- Making all contractors and those dealing with Council aware of the ethical standards that Council applies and of the ethical standards of others in their dealings with Council;
- Committing to a policy of detection, investigation and prosecution of individual cases of fraud; and
- Respecting the civil rights of employees and members of the public and committing to natural justice.

Council has a Fraud and Corruption Prevention Plan that underpins this Policy and details responsibilities of positions within Council and the community. It also outlines steps involved in identifying, investigating, reporting and taking action around fraud and corruption.

The Fraud and Corruption Prevention Plan and Council's Code of Conduct also outline the policies and procedures being implemented by Council to ensure that any allegations and subsequent investigations into fraud are handled confidentially and in accordance with applicable legislation.

7.3 Value for Money

Council resources are to be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

7.4 Record Keeping

All substantive communications with potential suppliers in respect of procurement and purchasing should be in writing and/or formal minuted meetings. Records for all procurement activities must be kept and recorded in Council's records management system and Council's corporate finance system.

7.5 Lobbying

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Lobbying of Councillors and staff by tenderers or their agents is not permitted and shall result in their disqualification from the quotation or tender process on that occasion. For the purposes of this clause “lobbying” shall include seeking to influence, seeking to obtain support or assistance, urging or persuading.

7.6 Gifts and Benefits

Council Officers must never seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence their decision making.

In some circumstances token gifts may be accepted but only in situations that do not create a sense of obligation on the staff or Councillors actions. Where you cannot reasonably refuse or return a gift or benefit of more than token value this must be disclosed to your supervisor and then ensure this is recorded in the Gifts and Benefits Register through Governance. Under no circumstances should a gift of cash, or cash – like gift, be accepted. Please refer to Council’s Bribes, Gifts and Benefits Policy.

7.7 Local Supplier Support

Council currently does not have a Local Preference Policy.

7.8 Risk Management

Managing risk is fundamental to effective procurement. Risk management is as much about identifying opportunities as avoiding and mitigating losses. Identification, analysis, assessment, treatment and monitoring of risk in procurement will contribute to successful outcomes.

Ensure segregation of duties in the requisitioning, approval and payment functions to minimise fraud risks.

Council Officers should consider not just the purchase price but also the availability and whole of life costs including those associated with acquisition, implementation, running, maintenance, depreciation, decommissioning and disposal.

Council Procurement Coordinator is to maintain a Contract Register and register of procedures for evaluation, including clear guidelines of expectations for contractor performance and maintenance by contractors of agreed insurance and liability coverage.

8. SUSTAINABLE PURCHASING

8.1 Council supports a sustainable procurement quadruple bottom line approach around civic leadership, social, environmental and economic pillars by incorporating these within planning activities.

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8.2 Council staff and its representatives must consider the impact that their purchases have on the environment. Value for money in procurement is enhanced by promoting the efficient, effective and ethical use of resources.

8.3 Consideration will be given to areas such as:-

- Minimising greenhouse gas emissions, waste, habitat destruction, soil degradation and toxicity;
- Maximising water efficiency.

9. WORKPLACE HEALTH AND SAFETY

9.1 All contractors of Council must adhere to relevant Work Health and Safety (WHS) 2011 legislation. WHS performance will be monitored and reviewed to ensure continued adherence to legislation and relevant Council policies and procedures.

10. ADMINISTRATION OF THIS POLICY

10.1 General enquiries in regard to this Policy should be directed in the first instance to Council's Procurement Coordinator.

10.2 Council will deal promptly with any concerns or complaints regarding this Policy. Any issues should be directed in writing to the General Manager.

RELEVANT LEGISLATIVE INSTRUMENTS

- *Local Government Act 1993;*
- *Local Government (General) Regulations 2005;*
- *Tendering Guidelines for NSW Local Government;*
- *Independent Commission Against Corruption Act 1988;*
- *Ombudsman Act 1974;*
- *Work Health and Safety Act 2011;*
- *Public Interest Disclosures Act 1994;*
- *Local Government Code of Accounting Practice and Financial Reporting;*
- *Government Information (Public Access) Act 2009;*
- *Waste Avoidance and Resource Recovery Act 2001;*
- *Related Party Transaction Act 2016;*
- *Privacy and Personal Information Protection Act 1998;*
- *State Records Act 1988.*

RELATED POLICIES, PLANS AND PROCEDURES

- Code of Conduct
- Procurement Procedures and Guidelines
- Audit, Risk and Improvement Charter
- Code of Business Practice
- Corporate Credit Card Policy
- Delegations of Authority Policy and Procedure

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- Disposal of Council Assets Policy
- Disposal of Council Real Estate Policy
- Government Information (Public Access) Policy
- Internal Control Policy and Procedures
- Internal Audit and Risk Management Policy
- Work Health and Safety Policy
- ICAC Guidelines
- Fraud and Corruption Prevention Policy
- Fraud and Corruption Prevention Plan
- Records Management Policy
- Bribes, Gifts and Benefits Policy
- Disciplinary Action Policy

VARIATION

Council reserves the right to vary or revoke this Policy in accordance with changes to Legislation and/or Council Policies and Procedures.

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ITEM 13.10 **2021/2022 TOURISM EVENT FUNDING ROUND**
119/21 **RESOLVED** by Cr Searl and Cr O'Brien

1. Council resolves to grant \$500 to the Crookwell Garden Festival in accordance with the Tourism Event Funding Policy.
2. Council conduct a second grant funding round in late 2021.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 13.11 **2021/2022 CULTURAL ACTIVITY FUNDING ROUND**
120/21 **RESOLVED** by Cr Searl and Cr Wheelwright

1. Council resolves to grant \$500 to the Taralga and District Progress Association and grant \$1,000 to the Bigga Progress Association in accordance with the Council Cultural Activity Funding Program.
2. Council conduct a second grant funding round in late 2021.

- CARRIED

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

Councillors who voted against:- Nil

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SECTION 14: GENERAL MANAGER

ITEM 14.1 CONSTRUCTION OF SHED AT TARALGA WATER FILTRATION PLANT

121/21 **RESOLVED** by Cr Searl and Cr Culhane

1. Council receives and notes the report as information.
2. That Council engaged a contractor to complete the concrete slab and erect the previously purchased shed, at an estimated cost of \$65,000.00.
3. That Council transfers \$65,000.00 from Water Reserves to complete the erection of the Industrial Shed at Taralga Water Filtration Plant.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 14.2 MULTIPURPOSE AQUATIC AND ACTIVITY CENTRE - UPDATE

MOVED by Cr Searl and Cr Kensit

1. Council receives and notes this report as information
2. Council note the BLERF co funded Australian and NSW State Government grant application has not been successful to complete the next stage of the MAAC
3. Council resolve to allocate \$2.4 million of LRCI Phase 3 Government grant to assist in the completion of Stage 2 of the Multipurpose Aquatic and Activity Centre.

- LOST

Councillors who voted for:- Crs P Culhane, P Kensit and D O'Brien

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Councillors who voted against:- Crs B McCormack, J Searl, J Stafford and J Wheelwright

A motion was moved by Councillor Stafford and Councillor Kensit that an extraordinary meeting be held with Councillors in the next two weeks to determine the use of Local Roads and Community Infrastructure Program (LCRI grant funding and the alternative funding through borrowings for stage 2 of the Multipurpose Aquatic and Activity Centre.

On being put to the meeting the motion was carried.

122/21

RESOLVED by Cr Stafford and Cr Kensit

1. An extraordinary meeting be held with Councillors in the next two weeks to determine the use of Local Roads and Community Infrastructure Program (LCRI) grant funding and the alternative funding through borrowings for stage 2 of the Multipurpose Aquatic and Activity Centre.

- CARRIED

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

Councillors who voted against:- Nil

The Mayor congratulated Vince Heffernan for another year winning the "Paddock" category for best biodynamically produced lamb. A letter will be sent on behalf of Council.

SECTION 15: LATE REPORTS

Nil

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COMMITTEES AND DELEGATES

ITEM 16.1 **REPORTS FROM COMMITTEES FOR THE MONTH OF JUNE/JULY**
123/21 **RESOLVED** by Cr Searl and Cr McCormack

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

1. Gunning Shire Hall and Showground Advisory Committee - Minutes - 7 June 2021
2. Biala Community Windfarm Fund S355 Committee - Minutes - 24 June 2021
3. Gullen Range Community Windfarm Fund S355 Committee - Minutes - 24 June 2021
4. Taralga Community Windfarm Fund S355 Committee - Minutes - 24 June 2021

- CARRIED

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

Councillors who voted against:- Nil

SECTION 17: NOTICES OF MOTION

Nil

SECTION 18: QUESTIONS WITH NOTICE

Nil

CLOSED COUNCIL ITEMS

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

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

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124/21

RESOLVED by Cr Searl and Cr McCormack

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(c), and 10A (2d(i)) of the Local Government Act 1993: the press and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A (2) as outlined above.
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

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

Councillors who voted against:- Nil

Council closed its meeting at 10:27am and the public, staff and press left the meeting

125/21

RESOLVED by Cr Searl and Cr Kensit

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

- CARRIED

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

Councillors who voted against:- Nil

Open Council resumed at 10:34am

Resolutions from the Closed Council Meeting

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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

A motion was moved by the Mayor and Cr McCormack that -

1. In accordance with clause 9.3 (a) and (b) of the Council Code of Meeting procedure Item 19.1 Taralga Dam be considered as it is time sensitive due to closing date of potential grant application.

On being put to the meeting the motion was **CARRIED**

126/21

RESOLVED by Mayor and Cr McCormack

1. In accordance with clause 9.3 (a) and (b) of the Council Code of Meeting procedure Item 19.1 Taralga Dam be considered as it is time sensitive due to closing date of potential grant application.

– CARRIED

Councillors who voted for:-

Crs P Culhane, P Kensit, D O'Brien, B McCormack, J Searl and J Stafford

Councillors who voted against:- Nil

ITEM 19.1

TARALGA DAM

127/21

RESOLVED by Cr Culhane and Cr O'Brien

Council receives and notes the report as information.

1. Council continue to work with Department of Planning Infrastructure & Environment Water to secure a site and funding for the Taralga off-stream storage (dam).

– CARRIED

Councillors who voted for:-

Crs P Culhane, P Kensit, D O'Brien, B McCormack, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

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THE MEETING CLOSED AT 10:34am

Minutes confirmed 19 AUGUST 2021

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Mayor