

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

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

VIDEO: Mr C Gordon (Media Officer)

THE MAYOR DECLARED THE MEETING OPEN AT 9:02am

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 in-person Council meetings had resumed advising Councillors and staff in these forums would continue 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

Cr McCormack declared a Pecuniary Interest in Item 11.2 DA 35/2021 - Animal Boarding and Training Establishment for the purpose of Breeding of Dogs - Lot 11 DP 1079302 - 371 Tyrl Tyrl Road LAGGAN as he knows the applicant and will make the declaration, leave the Chamber upon making the declaration, and not return until the matter is resolved.

Andrew Croke, Director of Finance and Administration declared a Non-Significant Non-Pecuniary Interest in 11.3 – Planning Proposal 101 Golspie Road Taralga – Lot A DP413644 as he is a relative of the owner/proponent of the proposal and will make the declaration, stay in the Chamber not participate in the debate and not vote.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

SECTION 5: CONFIRMATION OF MINUTES

ITEM 5.1 **RESOLVED** by Cr Searl and Cr O'Brien
164/21

That the minutes of the Ordinary Council Meeting held on 16 September 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**
165/21 **RESOLVED** by Mayor Stafford and Cr Searl

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

The Mayor acknowledged the Passing of Upper Lachlan Shire Council Manager of Tourism Andrew Warren, a minutes silence was observed.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC

Presentation from Peter Simpson of Crookwell Heritage Railway.

Presentation from Andrea Strong from Bannister Group regarding Transgrid/Humelink Project.

At 10:04am Cr Kensit departed the chamber and returned at 10:05am

SECTION 8: CORRESPONDENCE

ITEM 8.1 CORRESPONDENCE FOR THE MONTH OF OCTOBER 2021

166/21 RESOLVED by Cr Searl and Cr O'Brien

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

1. Office of Local Government – Circular 21-15 – Introduction of free lifetime registration for rescued pets and increases to Companion Animal fees for 2021-22 – 30 June 2021
2. Office of Local Government – Circular 21-29 – Guideline on the use and management of Credit Cards – 13 September 2021
3. Goulburn Mulwaree Council - Recreational Fishing Working Party Member - Thank you letter to Cr O'Brien - 14 September 2021
4. Office of Local Government – Comparative Information 2019-2020 – Annual Report – 24 September 2021.
5. Minister Hancock – Letter Rate Peg Methodology and Office of Local Government - Circular 21-32 – Release of Exposure Draft Bill on Local Government Rating Reform - 5 October 2021
6. Office of Local Government - Circular 21-30 - Pre Election Guide for Councils - 5 October 2021
7. Office of Local Government - Circular 21-31 - Post Election Guide for Councils on key decisions and activities for councils following the local government elections - 5 October 2021

- CARRIED

Councillors who voted for:-

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

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

Councillors who voted against:- Nil

SECTION 9: LATE CORRESPONDENCE

Nil

SECTION 10: INFORMATION ONLY

ITEM 10.1 DEVELOPMENT STATISTICS FOR THE MONTH OF SEPTEMBER 2021

167/21 **RESOLVED** by Cr Searl and Cr McCormack

1. Council receive and note 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 10.2-10.9 INFORMATION ONLY ITEMS

168/21 **RESOLVED** by Cr Searl and Cr Wheelwright

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

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

Council took a short break at 10:11am, to prepare for electronic presentations from the public on DA agenda items 11.1 and 11.2.

Council resumed the meeting at 10:19am

REPORTS FROM STAFF AND STANDING COMMITTEES

Presenting as part of Item 11.1 DA 44/2021 – Woodhouselee Road Laggan

Via video (zoom) Mr Wayne Gooley and Mrs Louise Gooley

Via video (zoom) Ms Kate Cartwright of Plan and Co

SECTION 11: ENVIRONMENT AND PLANNING

ITEM 11.1 DA 44/2021 - ANIMAL BOARDING AND TRAINING ESTABLISHMENT FOR THE PURPOSE OF BREEDING OF DOGS - LOT 2 DP 1150915 - 2548 WOODHOUSELEE ROAD LAGGAN

169/21 **RESOLVED** by Cr Wheelwright and Cr Culhane

It is recommended that:

Council determine the application by granting consent, subject to the conditions listed in Attachment 6.

- 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

Councillor McCormack left the Chamber at 10:49am following his declaration, did not take part in the discussion.

Presenting as part of Item 11.2 – DA 35/2021 - Tyrl Tyrl Road

Darren Hogan, Hogan Planning – in person.

Louis Rizzolo – a video submission was played.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

part in the discussion.

ITEM 11.2 **DA 35/2021 - ANIMAL BOARDING AND TRAINING ESTABLISHMENT FOR THE PURPOSE OF BREEDING OF DOGS - LOT 11 DP 1079302 - 371 TYRL TYRL ROAD LAGGAN**

170/21 **RESOLVED** by Cr Culhane and Mayor Stafford

It is recommended that the application be refused, for the following reasons:

- Non-compliance with *Upper Lachlan Council Development Control Plan 2010* requirement to be setback a minimum of 200m from any adjoining residential development;
- The development is inconsistent with the aims of the *Upper Lachlan Council Local Environmental Plan 2010*;
- The development does not satisfy orderly and economic development; and
- The development is not in the public interest.
- The development is inconsistent with zone objectives to the RU2 Rural Landscape zone of *Upper Lachlan Council Local Environmental Plan 2010*;
- There is potential for an unacceptable noise impact to the nearest sensitive receiver;
- There is potential for Council to be subjected to on-going compliance investigation matters concerning noise;
- The development does not meet the industry best practice requirement for setback of waste management facilities from a water course being Bolong Creek.

- NOT CARRIED

Councillors who voted for:- Crs P Culhane and J Stafford

Councillors who voted against:- Crs P Kensit, D O'Brien, J Searl
and J Wheelwright

A foreshadowed motion was moved by Cr Kensit and Cr Searl That –

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

1. Council approve the application of DA 35/2021 - animal boarding and training establishment for the purpose of breeding of dogs - Lot 11 DP 1079302 - 371 Tyrl Tyrl Road Laggan subject to detailed noise conditions of consent.
2. Council delegate to the General Manager to approve all conditions of consent for DA 35/2021 - animal boarding and training establishment for the purpose of breeding of dogs - Lot 11 DP 1079302 - 371 Tyrl Tyrl Road Laggan.

On being put to the meeting the motion was **CARRIED** therefore becoming the **MOTION**.

ITEM 11.2 DA 35/2021 - ANIMAL BOARDING AND TRAINING ESTABLISHMENT FOR THE PURPOSE OF BREEDING OF DOGS - LOT 11 DP 1079302 - 371 TYRL TYRL ROAD LAGGAN

171/21 RESOLVED by Cr Kensit and Cr Sear That -

1. Council approve the application of DA 35/2021 - animal boarding and training establishment for the purpose of breeding of dogs - Lot 11 DP 1079302 - 371 Tyrl Tyrl Road Laggan subject to detailed noise conditions of consent.
2. Council delegate to the General Manager to approve all conditions of consent for DA 35/2021 - animal boarding and training establishment for the purpose of breeding of dogs - Lot 11 DP 1079302 - 371 Tyrl Tyrl Road Laggan

- CARRIED

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

Councillors who voted against:- Crs P Culhane and J Stafford

Cr McCormack returned to the Chamber at 11:22am once the recommendation was resolved.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

ITEM 11.3 PLANNING PROPOSAL 101 GOLSPIE ROAD TARALGA. (LOT A DP 413644)

172/21 RESOLVED by Cr Searl and Cr O'Brien

1. The planning proposal be endorsed by Council and forwarded to the Minister for Planning for a Gazettal in accordance with the Environment Planning and Assessment Act 1979.
2. Council delegate to the General Manager authority to implement the decision.

- 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 CHANGES TO A GATEWAY APPLICATION AT COLLECTOR.

173/21 RESOLVED by Cr Searl and Cr McCormack

1. The Council endorse the proposed change in the minimum lot size of the RU4 Primary Production Small Lots zone from 2 ha to 1 ha.
2. The Council request the proponents to submit a new planning proposal for consideration;
3. The Council delegate authority to the General Manager to Undertake Any Required Changes;
4. The Council notify the community of the proposed changes to the Local Environmental Plan through appropriate processes at the time.

- 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

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

ITEM 11.5 **PLANNING PROPOSAL GUNNING HEIGHTS ESTATE 18**
BOUREONG DRIVE, GUNNING LOT 4 DP 1198749

174/21 **RESOLVED** by Cr Searl and Cr Kensit

1. The Council submit the planning proposal for a Gateway Determination to amend the Upper Lachlan Local Environmental Plan 2010 by changing the zone and minimum lot size provisions of Lot 4 DP 1198749 from RU4 Primary Production Small Lots zone to RU5 Village zone and to reduce the minimum lot size from 10ha to 1,000m².
2. The Council requests the Department of Planning Industry and Environment to authorise Council to exercise delegation of plan making functions in accordance with the Environmental Planning and Assessment Act 1979.
3. The Council delegate authority to the General Manager to undertake any required changes.
4. The Council notify the community of the proposed changes to the local environmental plan through appropriate processes at the time.

- 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

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

ITEM 11.6 LGNSW OPPOSITION TO INFRASTRUCTURE CONTRIBUTIONS REFORMS

175/21 RESOLVED by Cr McCormack and Cr Searl

1. Council calls on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.
2. Council calls on the NSW Government to undertake further consultation with the Local Government on any proposed reforms to the infrastructure contributions system.

- 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 12: INFRASTRUCTURE DEPARTMENT

Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

SECTION 13: FINANCE AND ADMINISTRATION

ITEM 13.1 REFERRAL FOR AUDIT - 2020/2021 FINANCIAL STATEMENTS

176/21 RESOLVED by Cr Searl and Cr O'Brien

1. Council resolves that the 2020/2021 Financial Statements be referred for independent audit by external auditors, NSW Audit Office;
2. The Mayor, Deputy Mayor, General Manager and Chief Financial Officer sign the Statement by Councillors and Management for the General Purpose and Special Purpose 2020/2021 Financial Statements;
3. Council adopt the 2020/2021 Financial Statements for Council, containing the General Purpose and Special Purpose Financial Statements; and
4. The General Manager be delegated the authority to authorise the Council 2020/2021 Financial Statements for issue immediately upon receipt of the Auditors Report and delegated the authority to finalise the date at which the Auditor's Report and Financial Statements are presented to the public.
5. Council fix the date for presentation of the 2020/2021 Financial Statements to the public as 18 November 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

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

ITEM 13.2 **PRESENTATION OF THE 2020/2021 ANNUAL REPORT**
177/21 **RESOLVED** by Cr Searl and Cr McCormack

1. Council resolves to adopt the Upper Lachlan Shire Council Annual Report for 2020/2021 in accordance with Section 428, of the Local Government Act 1993, Part 9, Division 7, of the Local Government (General) Regulation 2005 and other applicable legislation.
2. Council notify the Office of Local Government by providing a URL link to Council website.

- 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 **GIPA AGENCY INFORMATION GUIDE**
178/21 **RESOLVED** by Cr Searl and Cr McCormack

1. Council adopts the Agency Information Guide.

- 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

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

UPPER LACHLAN SHIRE COUNCIL - AGENCY INFORMATION GUIDE

PREPARED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 20, OF THE NSW GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 (GIPA).

For review of the guide this can be found on Council's website

<https://www.upperlachlan.nsw.gov.au/sites/upperlachlan/files/public/images/documents/upperlachlan/council/gipa/d2021%208130%20%20gipa%20agency%20information%20guide%20-%20october%202021.pdf>

ITEM 13.4 REVIEW OF PRIVACY POLICY

179/21 RESOLVED by Cr Searl and Cr Culhane

1. Council adopts the reviewed Privacy 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

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

POLICY:-	
Policy Title:	Privacy Policy
File Reference:	F13/77-06
Date Policy was adopted by Council initially:	18 November 2010
Resolution Number:	438/10
Other Review Dates:	18 November 2010, 18 April 2013 and 15 June 2017
Resolution Number:	438/10, 103/13 and 176/17
Current Policy adopted by Council:	21 October 2021
Resolution Number:	179/21
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:	Director of Finance and Administration
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for implementation:	Manager Legal, Records and Governance
Responsibility for review of Policy:	Director of Finance and Administration

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

APPLICATION

Government agencies are required to comply with the Information Protection Principles in the *Privacy and Personal Information Protection Act 1998* (PPIPA). These principles regulate the collection, storage, use and disclosure of personal information held by government agencies.

This policy applies to all personal information collected, maintained and/or used by Council.

2. DEFINITIONS

Personal Information

This applies to personal information held by or collected by Council. Personal information means information directly related to the personal affairs of an individual that enables or could enable the person to be identified. This includes personal information relating to both clients of Council and Council staff. For example, Council holds personal information on its ratepayers (names and addresses) in order to carry out its functions (planning and property services). It may also request personal or health information in order to employ staff or to provide welfare and other community services. For the purposes of this policy, personal information includes health information where relevant.

Sensitive Information

Sensitive information includes information or opinion about an individual's racial or ethnic origin, political opinions, trade union membership, philosophical or religious beliefs, sexual preferences or criminal record.

Health Information

This is information about:-

- The physical, mental or psychological health of an individual; or
- A disability of an individual; or
- An individual's expressed wishes about the future provision of health services to him or her; or
- A health service provided, or to be provided, to an individual that is also personal information; or
- Other personal information collected to provide, or in providing, a health service to an individual.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

3. LEGISLATIVE PERSPECTIVE

The *Privacy and Personal Information Protection Act 1998 (PPIPA)* provides for the protection of personal information and for the protection of the privacy of individuals. Section 33 of the PPIPA requires all Councils to prepare a Privacy Management Plan to deal with:-

- The devising of policies and practices to ensure compliance by Council with the requirements of the PPIPA;
- The dissemination of those policies and practices to persons within Council;
- The procedures that Council proposes for internal review of privacy complaints;
- Such other matters as are considered relevant by Council in relation to privacy and the protection of personal information held by it.

The *Health Records and Information Privacy Act 2002 (HRIPA)* regulates the collection and handling of people's health information by NSW public and private sector organisations. It applies to organisations that are health service providers or that collect, hold or use health information. The Upper Lachlan Shire Council falls under this Act.

4. PRINCIPLES

Information Protection Principles

The 12 Information Protection Principles create a set of legal obligations that describe what NSW government agencies (including local Councils) must do when they handle personal information. The principles cover the collection, storage, **access and accuracy**, use and disclosure of personal information.

The Upper Lachlan Shire Council believes that the responsible handling of personal information, including health information, is a key aspect of democratic governance, and is strongly committed to protecting an individual's right to privacy.

Council will apply the following general principles; based on the 12 Information Protection Principles and the 15 Health Privacy Principles (modifications and exceptions to the following general principles are set out in detail in Council's Privacy Management Plan).

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

4.1 Collection

- (a) Council will only collect personal or health information for a *lawful* purpose;
- (b) Council will only collect personal or health information if it is a *direct* relation to Council's activities and necessary for that purpose;
- (c) Council will ensure that the personal or health information is *relevant*, not excessive, accurate and up to date;
- (d) Council will ensure that the collection does not unreasonably intrude into the personal affairs of the individual;
- (e) Council will only collect personal or health information directly from the person concerned, unless it is unreasonable or impracticable to do so;
- (f) Council will be *open* and inform the person as to why it is collecting personal or health information about them, what it will do with the health information, and who else might see it;
- (g) Council will tell the individual how they can see and correct their personal or health information, and any consequences, if they decide not to provide their information to Council;
- (h) If Council collects personal or health information about a person from someone else, it will still take reasonable steps to ensure that the individual has been notified as set out in 4.1 (g) above.

4.2 Storage

- (a) Council will ensure that personal information is stored *securely*, not kept any longer than necessary, and disposed of appropriately;
- (b) Personal information will be protected from unauthorised access, use, **modification or** disclosure.

4.3 Access and Accuracy

- (a) Council will be *transparent* and explain to the individual what personal about them is being stored, why it is being used and any rights they have to access it;

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

- (b) Council will allow *accessibility* to people of their personal information without unreasonable delay or expense;
- (c) Council will allow people to update, *correct* or amend their personal information where necessary;
- (d) Council will ensure that the personal or health information is relevant and accurate before using it.

4.4 Use

- (a) Council will make sure that the personal information is relevant, *accurate*, up to date and complete before using it;
- (b) Council will *limit* use of personal information for the purpose it was collected unless the person has given their consent, or the purpose of use is directly related to the purpose for which it was collected, or to prevent or lessen a serious or imminent threat to any person's health or safety.

4.5 Disclosure

- (a) Council will generally only disclose personal information for the purpose for which it was collected, *restricted* to or for a directly related purpose that the individual would expect;
- (b) Council cannot disclose sensitive personal information without a person's consent, for example, information about ethnic or racial origin. Personal information is *safeguarded* by Council.
- (c) Should Council wish to disclose personal or health information for a purpose other than for which it was collected, it will seek the consent of the individual where reasonably practicable.

4.6 Transfers and Linkages

- (a) Council will only transfer health information outside NSW in accordance with Council's Privacy Management Plan;
- (b) Council will seek the express consent of individuals to participate in any system that links health records across more than one organisation;

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

- (c) Council will only include health information about individuals, or disclose their identifier for the purpose of the health records linkage system, if the individual has expressly consented to this.

5. RESPONSIBILITIES

5.1 General Manager

The General Manager is responsible to:-

- (a) Implement the *Privacy Code of Practice for Local Government*;
- (b) Ensure that Council has adopted and implemented a Privacy Management Plan;
- (c) Delegate the duties of Privacy Contact Officer to a suitably qualified Council Officer;
- (d) Ensure that all Council employees, delegates and volunteers comply with Council's Privacy Policy and Privacy Management Plan;
- (e) Receive complaints relating to privacy matters and direct them to Council's Privacy Contact Officer.

5.2 Privacy Contact Officer

The Privacy Contact Officer is designated as the **Manager Legal, Records and Governance**. The Privacy Contact Officer will:-

- (a) Review all complaints received by Council in respect of the protection and obligations arising for Council under the *Privacy and Personal Information Protection Act 1998*;
- (b) Ensure that Council's Privacy Policy and Privacy Management Plan are reviewed and updated as required, but not less than every three years;
- (c) Respond to questions or written communications concerning the application of this *Code*.

5.3 Councillors and Employees

All Councillors and employees will abide by the provisions of this policy and the Privacy Management Plan **and relevant privacy legislation**.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

6. MAKING A COMPLAINT

Complainants may seek advice from, or make a complaint to the **NSW Civil and Administrative Tribunal**.

NSW Civil and Administrative Tribunal (NCAT)
PO Box K1026
HAYMARKET NSW 1240
Telephone: 1300 555 727
Email: aeod@ncat.nsw.gov.au

Complainants may seek advice from, or make a complaint to the **Information and Privacy Commission**. Information about how to make a complaint is available on the website which can be found at <https://www.ipc.nsw.gov.au>

Information and Privacy Commission NSW
GPO Box 7011
SYDNEY NSW 2001
Telephone: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au

7. PRIVACY MANAGEMENT PLAN

Council is required to have a Privacy Management Plan. The Plan outlines processes in more detail than is contained in this policy, and takes precedence over it.

8. NON-COMPLIANCE WITH THIS POLICY

Failure to comply with the terms of this policy may result in disciplinary procedures and/or dismissal.

Individuals may also be prosecuted for breaches of the *Privacy and Personal Information Protection Act 1998*.

9. REVIEW

This policy will be reviewed every three years to ensure that Council is optimising its compliance measures whereby personal information is collected, stored, used and disseminated.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

10. ASSOCIATED LEGISLATION, COUNCIL POLICIES & DOCUMENTS

1. *Privacy and Personal Information Protection Act 1998;*
2. *Health Records and Information Privacy Act 2002;*
3. *Anti Discrimination Act 1977;*
4. *Environmental Planning and Assessment (EPA) Act 1979;*
5. *Fair Work Act 2009;*
6. *Government Information (Public Access) Act 2009 and Regulations;*
7. *Government Information (Public Access) Amendment Act 2012;*
8. *Independent Commission against Corruption Act 1988;*
9. *Industrial Relations Act 1996;*
10. *Local Government Act 1993;*
11. *Local Government (General) Regulations 2005;*
12. *Public Interest Disclosures Act 1994;*
13. *State Records Act 1998;*
14. *Work Health and Safety Act 2011 and Regulations;*
15. *Local Government (State) Award 2020;*
16. *Government Information (Public Access) Policy;*
17. *Privacy Management Plan;*
18. *Records Management Policy;*
19. *Code of Conduct;*
20. *Complaints Management Policy;*
21. *Grievance Policy;*
22. *Disciplinary Policy;*
23. *Customer Service Charter;*
24. *Public Interest Disclosures and Internal Reporting Policy;*
25. *Fraud and Corruption Prevention Policy; and*
26. *Any other relevant legislation and guidelines as applicable.*

11. VARIATION

Council reserves the right to vary or revoke this policy.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

ITEM 13.5 **REVIEW OF PRIVACY MANAGEMENT PLAN**
180/21 **RESOLVED** by Cr Searl and Cr O'Brien

1. Council adopts the reviewed Privacy Management 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

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

Management Plan Title:	PRIVACY MANAGEMENT PLAN
File Reference:	F10/618
Date Management Plan was adopted by Council initially:	22 December 2005
Resolution Number:	367/05
Other Review Dates:	22 November 2007, 20 November 2008, 18 November 2010, 18 April 2013 and 15 June 2017
Resolution Number:	365/07, 342/08, 437/10, 99/13 and 177/17
Current Management Plan adopted by Council:	21 October 2021
Resolution Number:	180/21
Next Policy Review Date:	2024

UPPER LACHLAN SHIRE COUNCIL – PRIVACY MANAGEMENT PLAN

For review of the full plan this can be found on Council's website.

[21%20-%20review%202024.pdf](#)

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

ITEM 13.6 APPLICATION FOR WAIVER OF MULTIPLE RURAL WASTE CHARGES

181/21 RESOLVED by Cr Searl and Cr Wheelwright

1. Council in accordance with Section 610E, of the Local Government Act 1993, waive the multiple Rural Waste Charges totalling \$884.40 (GST Inclusive).

- 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 13.7 REVIEW OF CASH HANDLING POLICY

182/21 RESOLVED by Cr Searl and Cr Wheelwright

1. Council adopts the reviewed Cash Handling 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

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

POLICY:-	
Policy Title:	Cash Handling Policy
File reference:	TRIM F10/618-05
Date Policy was adopted by Council initially:	24 March 2005
Resolution Number:	67/05
Other Review Dates:	20 August 2009, 21 June 2012, 19 March 2015 and 21 June 2018
Resolution Number:	329/09, 186/12, 56/15 and 169/18
Current Policy adopted by Council:	21 October 2021
Resolution Number:	181/21
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:	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:	Director of Finance and Administration

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

OBJECTIVE

The aim of this policy is to define the responsibilities of Council staff and outline the procedures applicable for the safe and secure handling of cash and cash equivalent transactions.

RECORD KEEPING AND RISK MINIMISATION

Council will ensure record keeping and risk minimisation measures are utilised as follows:-

- Implementation of procedures for tracking, receipting, securing, transferring and banking cash.
- Identifying whether each transaction was for cash or other means of payment.
- Issuing and recording receipts for all payments received, which include date and time of payment and payment amount.
- Limiting the number of employees able to handle cash to minimise risk for misappropriation of funds.
- Using secure cash storage facilities and security systems.
- Implementation of internal control systems to minimise the risk of fraud.
- Before undertaking any new cash handling operation authorisation to collect money must be approved by the General Manager.
- Utilisation of electronic forms of payment by Council, such as MOTO, BPAY, eServices, Credit Cards etc. will diminish the number of cash transactions and quantity of cash held on-site and hence lowers the potential risk of fraud.

FRAUD AND CORRUPTION RISKS

A risk assessment of cash handling is designed to identify and address fraud and corruption risks, these include:-

- An employee failing to record purchases properly in order to misappropriate cash.
- An employee misappropriating cash whilst in transit to the bank to deposit funds.
- An employee accepting or soliciting money or a benefit.
- An employee being bullied or threatened to misappropriate cash or avoid proper payment for a good/service by a third party.
- An employee artificially inflating the value of a good/service to misappropriate cash.

PROCEDURES

1. Individual cash floats are to be operated at the Crookwell, Taralga, and Gunning offices customer service areas. A cash float is the responsibility of the individual Customer Service Officer to maintain and balance. There are to be separate cash drawers and floats for each individual cashier to establish accountability for monies.
2. At the end of each day the Customer Service Officers are to count their respective daily takings and balance to the computer printouts / records (which are to be signed by each Customer Service Officer) and then counter signed, checked and verified by the relevant delegated officer of Council. This process includes ensuring that respective floats are maintained. Reference is to be made to Council's Daily Closure Procedures documentation as outlined in the Internal Control and Procedures Manual.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

3. On completion of individual balancing the cash takings are to be combined and prepared for banking each working day. The Officer carrying out the daily takings must, where practical, be independent of the Customer Service staff. Should there be a discrepancy with the daily balancing the matter is to be investigated and if unresolved reported to the **Chief Financial Officer** for further investigation and remedial action if necessary.
4. Floats and banking monies are then to be deposited in a security safe (in separate bags). Each Customer Service Officer will have access to their own individual lockable compartment within the security safe where they will secure their own cash float and any other floats under their care (for petty cash, waste disposal centres, swimming pools, etc.). There is access to a separate lockable compartment within the security safe where they will secure the combined daily banking. The security safe will be either combination or key type and the setting of the combination or the issue of keys will be the responsibility of the **Chief Financial Officer** or the Director of Finance and Administration. Master keys allowing access to all safe compartments will be held by the **Chief Financial Officer** or the Director of Finance and Administration.
5. On the next working day the cash floats required will be removed from the security safe by the individual Customer Service Officers. Immediately prior to being delivered to the bank, the daily banking is to be removed from the security safe by the Finance Officer or a delegate given access to the same by the **Chief Financial Officer**. The daily banking must immediately be counted and the correct amount verified by the Officer responsible for transporting it to the bank. Any discrepancy must be reported to the **Chief Financial Officer**. The Officer carrying out the daily banking must, where practical, be independent of the Customer Service staff.
6. All instances of suspected theft / break-ins are to be reported to the **Chief Financial Officer** and Director of Finance and Administration immediately.
7. The level of cash maintained at Council's offices is to be kept to a minimum, that is, the opportunity should be taken during days of "higher" takings to transfer amounts to the bank. This should be done at irregular intervals and with due regard to security and safety.
8. Training refreshers to all relevant employees will be provided by Council to ensure they are aware of their responsibilities.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

RELEVANT LEGISLATION AND COUNCIL POLICY AND PROCEDURES

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

- Local Government Act 1993;
- Local Government (General) Regulation 2005;
- Independent Commission against Corruption Act 1988;
- Work Health and Safety Act 2011 and Regulations;
- Anti Discrimination Act 1977;
- Local Government (State) Award 2020;
- Fair Work Act 2009;
- Equal Employment Opportunity Act 1987;
- Government Information (Public Access) Act 2009;
- Privacy and Personal Information Protection Act 1998;
- Crimes Act 1900;
- State Records Act 1998;
- Ombudsman Act 1974;
- Council Code of Conduct;
- Council Code of Business Practice;
- Council Government Information (Public Access) Policy;
- Council Records Management Policy;
- Council Privacy and Personal Information Management Plan;
- Council Digital Information Security Policy;
- Council Internal Control and Procedures Manual;
- Council Bribes, Gifts and Benefits Policy;
- Council Complaints Management Policy;
- Council Customer Service Charter;
- Council Fraud and Corruption Prevention Policy;
- Council Public Access Policy;
- Council Disciplinary Policy; and
- Council Service Delivery Procedures.

VARIATION

Council reserves the right to vary or revoke this policy.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

SECTION 14: GENERAL MANAGER

Nil

SECTION 15: LATE REPORTS

Nil

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

**ITEM 16.1 REPORTS FROM COMMITTEES FOR THE MONTH OF OCTOBER
2021**

183/21 **RESOLVED** by Cr Searl and Cr McCormack

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

1. Gunning Arts Festival – Minutes from meeting held 25 July 2021.
2. Gunning Arts Festival – Minutes from meeting held 8 August 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

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

SECTION 17: NOTICES OF MOTION

ITEM 17.1 NOTICE OF MOTION - VEHICLE ACTIVATED SIGNS

184/21 **RESOLVED** by Cr O'Brien and Cr Kensit

“That the Upper Lachlan Shire Council purchases a portable vehicle activated sign system and allocates \$5,000 funding from the operational plan plant replacement budget to fund the purchase’.

- 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 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:*

185/21 **RESOLVED** by Cr Searl and Cr Kensit

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

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

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 11:51am and the public, staff and press left the meeting.

186/21 **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 12:04pm

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.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

SECTION 19: CONFIDENTIAL SESSION

ITEM 19.1 PROCUREMENT OF ONE NEW TRUCK AND DOG COMBINATION
187/21 RESOLVED by Cr McCormack and Cr Wheelwright

1. Council purchase one new Truck and Dog Trailer combination for the sum of \$359,090.91 EX GST from Hartwigs Queanbeyan.
2. Sell existing truck and dog trailer combination (Plant 586 and 670) through auction providing best value for money.

- 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

A motion was moved by the Mayor Stafford and Cr Searl that -

1. In accordance with clause 9.3 (a) and (b) of the Council Code of Meeting procedure Item 19.2 Acceptance Of Detailed Design Quotation For Cooksvale Road Bridge, Blue Hill Road Bridge And Julong Road Bridge be considered as it is time sensitive due to caretaker mode being introduced. This report is also in accordance with Section 10A(2d(i)) and 10A (2d(ii)) of the Local Government Act, 1993.

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

188/21 RESOLVED by Mayor Stafford and Cr Searl that -

2. In accordance with clause 9.3 (a) and (b) of the Council Code of Meeting procedure Item 19.2 Acceptance Of Detailed Design Quotation For Cooksvale Road Bridge, Blue Hill Road Bridge And Julong Road Bridge be considered as it is time sensitive due to caretaker mode being introduced. This report is also in accordance with Section 10A(2d(i)) and 10A (2d(ii)) of the Local Government Act, 1993.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 OCTOBER 2021

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 19.2 ACCEPTANCE OF DETAILED DESIGN QUOTATION FOR COOKSVALE ROAD BRIDGE, BLUE HILL ROAD BRIDGE AND JULONG ROAD BRIDGE

189/21 **RESOLVED** by Mayor Stafford and Cr Wheelwright

1. Council approve the engagement of Pitt & Sherry Pty Ltd for the design quotation of Cooksvale Road Bridge, Blue Hill Road Bridge and Julong Road Bridge and all sealed approach roads to the value of \$275,586.05 exclusive of GST.

- 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 MEETING CLOSED AT 12:04pm

Minutes confirmed 18 NOVEMBER 2021

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Mayor