



BUSINESS PAPER

ORDINARY MEETING

Thursday 15 June 2017

6.00pm

Memorial Hall

Denison Street

Crookwell

TABLELANDS REGIONAL COUNCIL'S VISION

To build and maintain sustainable communities while retaining the region's natural beauty.

COUNCIL'S MISSION

To provide services and facilities to enhance the quality of life and economic viability within the Council area.

COUNCIL'S AIMS

To perform services in a cost efficient, effective and friendly manner in order to achieve Council's Mission in meeting the annual objectives and performance targets of the principal activities Council undertakes on behalf of the community.

NOTICE OF MEETING

7 June 2017

Councillors

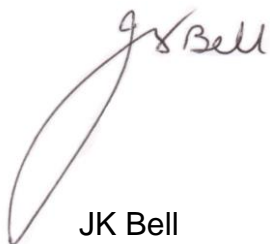
Dear Members

Ordinary Meeting of Council

Notice is hereby given that the next Ordinary Meeting of Council will take place on **Thursday 15 June 2017** in the **Memorial Hall, Denison Street, Crookwell** commencing at **6.00pm**.

Your presence is requested.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'JK Bell', with a large, stylized loop on the left side.

JK Bell
General Manager
Upper Lachlan Shire Council

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Traditional Custodians of this Land. I would also like to pay respect to the Elders past and present, of the Wiradjuri Nation, and extend that respect to other Aboriginals present.

1 APOLOGIES AND LEAVE OF ABSENCE

2 CITIZENSHIP CEREMONY

Nil

3 DECLARATIONS OF INTEREST

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UPPER LACHLAN SHIRE COUNCIL

LEAVE OF ABSENCE

General Manager
Upper Lachlan Shire Council
Spring Street
CROOKWELL NSW 2583

Dear Sir

I wish to apply for leave of absence from the Council Meeting to be held on

Date:

I will be absent for the following reason/s:

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

Yours faithfully

.....
(Councillor Signature)

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Could your possible conflict of interest lead to private gain or loss at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

CONFLICT OF INTEREST

- A conflict of interest is a clash between private interest and public duty. There are two types of conflict:
 1. Pecuniary – regulated by the *Local Government Act* and Department of Local Government and,
 2. Non-pecuniary – regulated by Codes of Conduct and policy, ICAC, Ombudsman, Department of Local Government (advice only).

THE TEST FOR CONFLICT OF INTEREST

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

IDENTIFYING PROBLEMS

- 1st Do I have private interest affected by a matter I am officially involved in?
- 2nd Is my official role one of influence or perceived influence over the matter?
- 3rd Do my private interest conflict with my official role?

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

AGENCY ADVICE

Officers of the following agencies are available during office hours to discuss the obligations placed on Councillors, Officers and Community Committee members by various pieces of legislation, regulation and Codes.

Contact	Phone	Email	Website
Upper Lachlan Shire Council	(02) 4830 1000	council@upperlachlan.nsw.gov.au	www.upperlachlan.nsw.gov.au
ICAC	(02)8281 5999 Toll Free 1800463909	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
Office of Local Government	(02) 4428 4100	olg@olg.nsw.gov.au	www.olg.nsw.gov.au
NSW Ombudsman	(02) 9286 1000 Toll Free 1800451524	nswombo@ombo.nsw.gov.au	www.ombo.nsw.gov.au

UPPER LACHLAN SHIRE COUNCIL
COUNCILLORS DISCLOSURE OF A
PECUNIARY INTEREST

**PURSUANT TO SECTION 451 OF THE NSW LOCAL GOVERNMENT ACT 1993
(AS AMENDED)**

To the General Manager

I, _____

Declare a Conflict of Interest, being a PECUNIARY Interest.

COUNCIL MEETING

Name of Meeting _____

Date of Meeting _____

Page Number _____ Item Number _____

Subject _____

Reason for Interest _____

OTHER THAN COUNCIL MEETINGS

Reason for Interest _____

Signature

Date

UPPER LACHLAN SHIRE COUNCIL
COUNCILLORS DISCLOSURE OF A
NON-PECUNIARY INTEREST

**PURSUANT TO SECTION 451 OF THE NSW LOCAL GOVERNMENT ACT 1993
(AS AMENDED)**

To the General Manager

I, _____

Declare a Conflict of Interest, being a NON-PECUNIARY Interest.

☐ Significant

☐ Non Significant

COUNCIL MEETINGS

Name of Meeting _____

Date of Meeting _____

Page Number _____ Item Number _____

Subject _____

Reason for Interest _____

As a result of my non-pecuniary interest, my involvement in the meeting will be as follows:

☐ **Option A** – Make a declaration, stay in the Chamber, participate in the debate, and vote.

☐ **Option B** – Make a declaration, stay in the Chamber, participate in the debate, but not vote.

☐ **Option C** – Make a declaration, stay in the Chamber, participate in the debate, but leave the Chamber for the vote.

☐ **Option D** – Make a declaration, stay in the Chamber, not participate in the debate, but vote.

☐ **Option E** – Make a declaration, stay in the Chamber, not participate in the debate and not vote.

☐ **Option F** – Make a declaration, do not participate in the debate, leave the Chamber upon making the declaration, and not return until the matter is resolved.

Signature

Date

4 CONFIRMATION OF MINUTES

The following minutes are submitted for confirmation -

4.1	Minutes of the Ordinary Meeting of Council of 18 May 2017	13
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PRESENT: Mayor B McCormack (Chairperson), Clr P Culhane, Clr R Cummins, Clr P Kensit, Clr R Opie, Clr D O'Brien, Clr J Searl, Clr J Stafford, Clr J Wheelwright, Mr J Bell (General Manager), Mr L Moloney (Acting Director of Works and Operations), Mr A Croke (Director Finance and Administration), Mr R Wong (Acting Director of Environment & Planning, Mrs H Peterson (Executive Assistant) and Ms D Crosbie (Media Officer).

THE MAYOR DECLARED THE MEETING OPEN AT 6.00PM

SECTION 1: APOLOGIES & LEAVE OF ABSENCE

There were no apologies.

SECTION 2: CITIZENSHIP CEREMONY

Nil

SECTION 3: DECLARATIONS OF INTEREST

Nil

SECTION 4: CONFIRMATION OF MINUTES

129/17ITEM 4.1 RESOLVED by Clr Searl and Clr Wheelwright

That the minutes of the Ordinary Council Meeting held on 20 April 2017 be adopted with the amendment to the Question with Notice Item 17.11 excludes the statement that "It should be noted that the funds for this project are included in Councils 2017/2018 draft budget and will not be available before 1 July 2017".

- CARRIED

SECTION 5: MAYORAL MINUTES

ITEM 5.1 MAYORAL MINUTE - MAYORAL ACTIVITIES APRIL/MAY 2017

130/17

RESOLVED by Clr McCormack and Clr Searl

That Council receive and note the activities attended by the Mayor April/May2017.

- CARRIED

SECTION 6: PRESENTATIONS TO COUNCIL/PUBLIC

Nil

SECTION 7: CORRESPONDENCE

ITEM 7.1 CORRESPONDENCE FOR THE MONTH OF MAY 2017

131/17

RESOLVED by Clr Searl and Clr Stafford

That Item 7.1 - [Minutes of Committee/Correspondence/Information] listed below be received:

1. NSW Rural Fire Service – Thank you note for meeting.
2. Denise and Peter Hughes – Montana Road upgrade and causeway.
3. Audit Office – Initial Local Government performance Audits.
4. NSW Government – Office of the Hon Sarah Mitchell MLC – Response to Dalton Power Station Submission.

- CARRIED

SECTION 8: LATE CORRESPONDENCE

ITEM 8.1 LATE CORRESPONDENCE FOR THE MONTH OF MAY 2017

132/17 **RESOLVED** by Clr Searl and Clr Opie

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

1. Oberon Council - Tablelands Way Project

- CARRIED

133/17 **RESOLVED** by Clr Searl and Clr Stafford

That Council provide in principle support for the proposal that Upper Lachlan Shire Council, Oberon Council, Mid-Western Regional Council and Lithgow City Council work together to enhance the promotion of Tablelands Way and that the matter be referred to the Tourism Committee for consideration.

CARRIED

REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 9: ENVIRONMENT AND PLANNING

ITEM 9.1 MONTHLY WEEDS ACTIVITIES REPORT

134/17 **RESOLVED** by Clr Searl and Clr O'Brien

1. Council receives and notes the report as information.

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

Councillors who voted against:- Nil

- CARRIED

ITEM 9.2
135/17

DEVELOPMENT STATISTICS FOR THE MONTH OF APRIL 2017

RESOLVED by Clr Searl and Clr Wheelwright

1. Council receives and notes the report as information.

Councillors who voted for:-

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

Councillors who voted against:-

Nil

- CARRIED

ITEM 9.3

**PROPOSED ROAD NAMES IN SUBDIVISION OF LAND THE
SUBJECT OF DEVELOPMENT CONSENT 80/2016, LOT 14
DP1219071, CULLERIN ROAD, GUNNING**

136/17

RESOLVED by Clr Searl and Clr Kensit

1. Council endorse the proposed road names as nominated by the letter of 18 April 2017 from Fraish Consulting Civil & Structural Engineers, namely:
 - a. Gundungurra Drive
 - b. Bunduluk Place.

Councillors who voted for:-

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

Councillors who voted against:-

Nil

- CARRIED

SECTION 10: WORKS AND OPERATIONS

ITEM 10.1
137/17

WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE

RESOLVED by Clr Searl and Clr Wheelwright

1. Council receive the report and note the information.

- CARRIED

ITEM 10.2
138/17

WORKS IN PROGRESS - TECHNICAL & MANAGERIAL

RESOLVED by Clr Searl and Clr Culhane

1. Council receive the report and note the information.

- CARRIED

SECTION 11: FINANCE AND ADMINISTRATION

ITEM 11.1 INVESTMENTS FOR THE MONTH OF APRIL 2017

139/17 **RESOLVED** by Clr Searl and Clr Stafford

1. Council receive and note the report as information.

- CARRIED

ITEM 11.2 BANK BALANCE AND RECONCILIATION - 30 APRIL 2017

140/17 **RESOLVED** by Clr Searl and Clr Stafford

1. Council receive and note the report as information.

- CARRIED

ITEM 11.3 RATES AND CHARGES OUTSTANDING FOR THE MONTH OF APRIL 2017

141/17 **RESOLVED** by Clr Searl and Clr O'Brien

1. Council receive and note the report as information.

- CARRIED

ITEM 11.4 3RD QUARTER BUDGET REVIEW STATEMENTS 2016/2017

142/17 **RESOLVED** by Clr Searl and Clr O'Brien

1. Council adopts the 3rd Quarter Budget Review Statements for 2016/2017 including revotes of income and expenditure to the

- Operational Plan; and
2. Council endorses the Operational Plan Performance Summary Report.

- CARRIED

ITEM 11.5
143/17

PENSIONER CONCESSION POLICY
RESOLVED by Clr Searl and Clr Culhane

1. Council adopts the reviewed Pensioner Concession Policy.

- CARRIED

SECTION 12: GENERAL MANAGER

ITEM 12.1
144/17

STAFFING MATTERS
RESOLVED by Clr Searl and Clr Stafford

1. Council receive and note the report as information.

- CARRIED

ITEM 12.2
145/17

MAYORAL AND COUNCILLORS' REMUNERATION
RESOLVED by Clr Searl and Clr Stafford

1. Council notes the determination of annual fees for Councillors and Mayors and resolves to set a fee structure for the period 2017/2018 being, Councillors Annual Fee of \$11,570.00 and a Mayoral Fee of \$25,250.00.

- CARRIED

ITEM 12.3

CROOKWELL 2 AND 3 WINDFARMS - VOLUNTARY PLANNING AGREEMENT

146/17

RESOLVED by Clr Searl and Clr O'Brien

1. Council places on public exhibition the draft Crookwell 2 and 3 Windfarm Voluntary Planning Agreement, allowing a period of 28 days to seek public comment / submissions.

Councillors who voted for:-

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

Councillors who voted against:- Nil

- CARRIED

**ITEM 12.4 MEETING WITH NSW REGIONAL INFRASTRUCTURE
COORDINATOR**

147/17 RESOLVED by Clr Searl and Clr Stafford

1. Council receive and note the report as information.

- CARRIED

ITEM 12.5 ACTION SUMMARY - COUNCIL DECISIONS

148/17 RESOLVED by Clr Searl and Clr Wheelwright

1. Council receive and note the report as information.

- CARRIED

SECTION 13: LATE REPORTS

Nil

**SECTION 14: REPORTS FROM OTHER COMMITTEES, SECTION 355
COMMITTEES AND DELEGATES**

ITEM 14.1 REPORTS FOR THE MONTH OF MAY 2017

149/17 RESOLVED by Clr Searl and Clr Culhane

That Item 14.1 - [Minutes of Committee/Correspondence/Information]
listed below be received:

1. Crookwell Potato Festival – Minutes from meeting held 6 April 2017.
2. Crookwell Potato Festival – Minutes from meeting held 18 April 2017.
3. Crookwell Potato Festival – Minutes from meeting held 3 May 2017.
4. S355 Pye Cottage Precinct Committee – Minutes from meeting held 6 April 2017.

- CARRIED

SECTION 15: BUSINESS WITHOUT NOTICE

Nil

SECTION 16: NOTICES OF MOTION

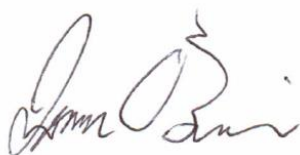
ITEM 16.1 NOTICE OF MOTION - LOCATION OF COUNCIL MEETING

150/17

RESOLVED by Cllr Cummins and Cllr O'Brien

In compliance with Part 3 cl.136(5) of Council's Code of Meeting Practice (LGA – s372 (4), we Councillors O'Brien, Cummins and Opie give notice that at the next Ordinary Meeting of Council on 18 May 2017 we will move the following motion:-

"The Council meetings be held at the Crookwell Memorial Hall and that the General Manager takes appropriate action including all required network connections to use the Crookwell Memorial Hall for all the remaining Ordinary Council meetings for this year. Any costs required for the network connections to be revoted from Council's Information Technology and Equipment Reserve".

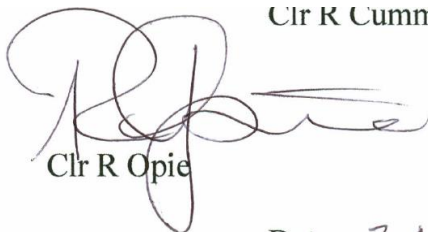


Cllr D O'Brien



Cllr R Cummins

Cllr R Cummi



Cllr R Opie

- CARRIED

Councillors who voted for:-

Cllrs P Culhane, R Cummins, P Kensit, R Opie,
D O'Brien and J Stafford

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

SECTION 17: QUESTIONS WITH NOTICE

ITEM 17.1 RV FRIENDLY PROGRAMME

Refer to the Business Paper for 18 May 2017 Council Meeting for the General Manager's Comments.

ITEM 17.2 LOCAL ENVIRONMENTAL PLAN

Refer to the Business Paper for 18 May 2017 Council Meeting for the General Manager's Comments.

ITEM 17.3 WASPS

Refer to the Business Paper for 18 May 2017 Council Meeting for the General Manager's Comments.

ITEM 17.4 REDGROUND ROAD

Refer to the Business Paper for 18 May 2017 Council Meeting for the General Manager's Comments.

ITEM 17.5 AIRPORT UPDATE

Refer to the Business Paper for 18 May 2017 Council Meeting for the General Manager's Comments.

ITEM 17.6 SNOW DAMAGE FUNDING

Refer to the Business Paper for 18 May 2017 Council Meeting for the General Manager's Comments.

ITEM 17.7 CIVIC CENTRE/COUNCIL CHAMBERS/WORK DEPOT REVIEW

Refer to the Business Paper for 18 May 2017 Council Meeting for the General Manager's Comments.

ITEM 17.8 CANBERRA SYDNEY CORRIDOR

Refer to the Business Paper for 18 May 2017 Council Meeting for the General Manager's Comments.

ITEM 17.9 COLLECTOR CELLAR DOOR

Refer to the Business Paper for 18 May 2017 Council Meeting for the General Manager's Comments.

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) (c) 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:

151/17 **RESOLVED** by Clr Searl and Clr O'Brien

1. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to section 10A 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) (c) 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

Council closed its meeting at 7.55pm and the public, staff and press left the chambers.

152/17 **RESOLVED** by Clr Searl and Clr O'Brien

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

- CARRIED

Open Council resumed at 8.10pm.

Resolutions from the Closed Council Meeting

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

SECTION 18: CONFIDENTIAL SESSION

ITEM 18.1 AIRSTRIP UPDATE

153/17 **RESOLVED** by Clr Searl and Clr O'Brien

1. Council offers for sale, at the current market valuation, approximately 0.8 of a hectare of the available land that abuts the Crookwell Airstrip (being part Lot 421 DP 257517) to Icarus Air International Pty Ltd.

Councillors who voted for:-

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

Councillors who voted against:- Nil

- CARRIED

THE MEETING CLOSED AT 8.10PM

Minutes confirmed 15 JUNE 2017

.....
Mayor

5 MAYORAL MINUTES

The following item is submitted for consideration -

5.1	Mayoral Minute	28
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Mayoral Minutes - 15 June 2017

ITEM 5.1 Mayoral Minute

FILE REFERENCE I17/254

May 2017

7 May	Opened Pumpkin Festival at Collector Interviewed by ABC television for National News
10 May	Oberon Council – Meeting with regard to Tablelands Way Gunning Outreach meeting, Gunning
13 May	Potato Festival, Crookwell Meeting with Angus Taylor for a Photo shoot for the new equipment at Coleman Park
17 May	Bigga Outreach Meeting, Bigga
18 May	Council Meeting, Crookwell
19 May	Thank you function for the Volunteers of the Pumpkin Festival at Collector.
23 May	Gullen Range Wind Farm Community Fund meeting, Crookwell.
31 May	Photo shoot re Crookwell Community Garden to assist with grant funding.

7 CORRESPONDENCE

The following item is submitted for consideration -

7.1	Correspondence for the month of June 2017	30
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Correspondence - 15 June 2017

ITEM 7.1

Correspondence for the month of June 2017

RECOMMENDATION:

That Item 7.1 - [Minutes of Committee/Correspondence/Information] listed below be received:

1. Office of Local Government – Circular 17/06 – Commencement of Phase 1 Amendments – An overview.
2. Angus Taylor MP – Response to letter regarding restoration of indexation of Financial Assistance Grants.
3. Gladys Berejiklian – Premier NSW – AGL Application at Dalton.
4. Gladys Berejiklian and Dominic Perrottet – Media Release – Fire and Emergency Services Levy to be reviewed to ensure fairness.
5. Local Government NSW – Media Release – Response to FESL delay.
6. Matthew Ford – Inclusion of a Local Collection Point for Crookwell.
7. Crookwell CWA – Enquiry into possibility of heated pool for Crookwell.
8. AGL – Dalton Power Project Community Consultative Committee.
9. Charlie Bell – Thanks to Council for Road Closure Assistance with Variety Bash.

ATTACHMENTS

1. ↓	Office of Local Government - Circular 17/06 - Commencement of Phase 1 Amendments - An Overview - 4 May 2017	Attachment
2. ↓	Angus Taylor MP - Response to letter regarding restoration of indexation on Financial assistance grants	Attachment
3. ↓	Gladys Berejiklian - Premier of NSW - AGL application - Dalton	Attachment
4. ↓	Gladys Berejiklian and Dominic Perrottet - Media Release - Fire and Emergency Services Levy to be reviewed to ensure fairness	Attachment
5. ↓	Local Government NSW LGNSW - media release - Response to FESL delay	Attachment
6. ↓	Matthew Ford - response to letter 21 February - inclusion of a local collection point for Crookwell	Attachment
7. ↓	Crookwell CWA - Enquiry into Possibility of Heated Pool for Crookwell	Attachment
8. ↓	AGL - Dalton Power Project Community Consultative Committee	Attachment
9. ↓	Charlie Bell - Thank you to Council for assistance to close road for Variety Bash	Attachment



Office of
Local Government

Circular to Councils

Circular Details	Circular No 17-06 / 4 May 2017 / A538210
Previous Circulars	16-30 Local Government Amendment (Governance and Planning) Act 16-35 More Phase 1 amendments to the Local Government Act commenced by proclamation 16-51 Further Phase 1 amendments to the Local Government Act commence and amending regulation made
Who should read this	General Managers / Council Governance Staff
Contact	Council Governance Team – 02 4428 4100
Action required	Information

Commencement of Phase 1 Amendments – An Overview

What's new or changing

The Office of Local Government has received questions about the commencement dates of amendments to the *Local Government Act 1993* made by the *Local Government Amendment (Governance and Planning) Act 2016* (the Phase 1 Amendments).

What this will mean for your council

A table outlining the commencement date for each of the Phase 1 amendments is attached to this circular. The table also identifies those provisions that are yet to commence.

Key points

- The previous circulars referred to above provide further details of amendments that have already commenced.
- Some provisions have not yet commenced, in order to allow for consultation and the development of supporting regulatory frameworks. The consultation process for many of these has commenced and the supporting regulatory frameworks are currently under development.
- Councils will be advised by circular when these provisions are being commenced and will be given sufficient notice to allow them to implement and comply with new requirements.

Where to go for further information

- For further information, contact the Office's Council Governance Team on 4428 4100 or by email at olg@olg.nsw.gov.au.

Tim Hurst
Acting Chief Executive

ATTACHMENT TO CIRCULAR**Commencement of Phase 1 Amendments – An Overview**

Commenced on 30 August 2016	
GOVERNING BODY	
Mayoral term	<ul style="list-style-type: none"> The mayoral term for councillor-elected mayors has increased to two years (from one year) (s230)
Councillor oath or affirmation of office	<ul style="list-style-type: none"> Councillors, including mayors, must take an oath or affirmation of office before commencing their duties (s233A)
Councillor expenses and facilities policy	<ul style="list-style-type: none"> Policies must be adopted within 12 months of the commencement of the new council term, instead of annually (s252) Copies of the policy are no longer required to be provided to the Office of Local Government
Councillor fee increases	<ul style="list-style-type: none"> Clarification that the State wages policy (currently limiting councillors' fee increases to 2.5%) does not apply to determinations by the Local Government Remuneration Tribunal that change a council's fee category (s242A)
Organisation structure	<ul style="list-style-type: none"> The council is to determine the organisation structure for the senior staff level in consultation with the general manager, with the general manager to determine the balance of the organisation structure (s332)
ELECTIONS	
Casual vacancies	<ul style="list-style-type: none"> Casual vacancies may only be filled by a countback election once a date to do so has been prescribed by regulation (s291A) A date has not yet been prescribed

Commenced on 23 September 2016
LOCAL GOVERNMENT PRINCIPLES AND COUNCIL ROLES AND FUNCTIONS
New purposes and principles (ss7-8C) <ul style="list-style-type: none"> • General principles • Decision making principles • Integrated planning and reporting principles • Community participation principle • Sound financial management principles
New roles <ul style="list-style-type: none"> • Governing bodies (s223) • Mayors (s226) • Councillors (s232) • Administrators (s258)
New functions <ul style="list-style-type: none"> • General manager (s335)
DELEGATION OF TENDERS AND FINANCIAL ASSISTANCE
Councils may now delegate: <ul style="list-style-type: none"> • Acceptance of tenders, except for services currently provided by council staff (s377(1)(i)) • Payment of financial assistance as part of a program specified in the council's operational plan that is not more than 5% of the council's rates income and that applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area (s377(1A))
GOVERNING BODY
Mayoral term <ul style="list-style-type: none"> • A mayor elected by councillors ceases to be mayor once that person ceases to hold office as a councillor (s234)

Commenced on 1 October 2016
AUDIT
External auditor <ul style="list-style-type: none"> • The Auditor-General is appointed as the external auditor for all councils from the 2016-17 financial year (s422)
Performance audits <ul style="list-style-type: none"> • The Auditor-General may conduct performance audits of all or any activities of one or more councils to determine whether the councils are carrying out those activities effectively, economically and efficiently and in compliance with relevant laws (s421B)

Commenced on 25 November 2016**FINANCIAL CONTROLLER**

- The Minister may appoint a financial controller to a council in association with a performance improvement order and after considering prescribed criteria (s438HB)

Yet to commence (consultation either commenced or soon to commence)**INTEGRATED PLANNING AND REPORTING (IP&R)**

- Streamlined IP&R requirements

GOVERNANCE**Induction and professional development for mayors and councillors**

- New requirements for the provision of, and reporting on, induction and ongoing professional development programs for mayors and councillors

Model Code of Conduct and Procedures

- Consolidation of the pecuniary interest provisions into the Model Code of Conduct for Local Councils in NSW

Model Code of Meeting Practice

- Prescription of a new Model Code of Meeting Practice
- Councils will not be required to adopt a new Meeting Code based on the Model Meeting Code until after the next ordinary election following commencement

Meetings – reduced number

- One-off opportunity for prescribed councils to seek the approval of the Minister for Local Government to reduce the minimum number of council meetings to less than 10 a year

Councillors – reduced number

- One-off opportunity for prescribed councils to seek the approval of the Minister for Local Government to reduce their councillor numbers (without a constitutional referendum)

PERFORMANCE MEASUREMENT FRAMEWORK

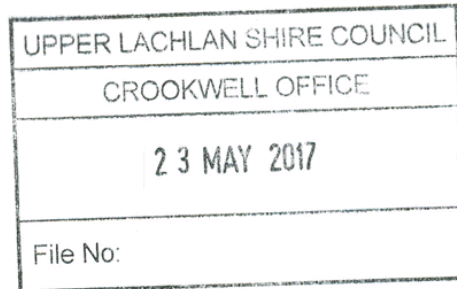
- Prescription of a performance measurement framework for councils

AUDIT COMMITTEES, INTERNAL AUDIT AND RISK**Audit, risk and improvement committees**

- Requirement for councils to appoint audit, risk and improvement committees
- Councils will not be required to appoint an audit, risk and improvement committee until 6 months after the next ordinary election following commencement



Mr John Bell
General Manager
Upper Lachlan Shire Council
44 Spring St
CROOKWELL NSW 2583



Dear John

Thanks for your recent letter regarding the restoration of indexation on Financial Assistance Grants.

I'm sure you would have been happy to learn that in the May Federal Budget the Government announced that it would indeed restore the indexation on Financial Assistance Grants (FAGs).

I have been made aware by both the Upper Lachlan and Goulburn Mulwaree Council that the freezing of indexation on FAGs put a strain on spending, forcing councils to be unable to deliver services to the community.

I did make my feelings known on this matter many months ago to the Minister and fully support the Government's decision to stop the freeze.

Let me know if you have any further concerns regarding the changes to Financial Assistance Grants.

Look forward to catching up soon.

Yours sincerely

Angus Taylor MP
Federal Member for Hume



Gladys Berejiklian MP
Premier of New South Wales

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

UPPER LACHLAN SHIRE COUNCIL
GUNNING OFFICE
22 MAY 2017
File No:

Reference: A2099876

16 MAY 2017

Dear JK Bell,

Thank you for your recent correspondence regarding AGL's application for an extension on its approval to construct a gas-fired power station at Dalton.

As the Minister for Planning, the Hon Anthony Roberts MP, has primary responsibility for projects under consideration by the Department of Planning and Environment, I have forwarded your correspondence for his consideration.

Thank you for taking the time to bring your views to my attention.

Yours faithfully,

Gladys Berejiklian MP
Premier

CC: The Hon Minister Anthony Roberts MP, Minister for Planning, Minister for housing, and Special Minister for State

Susie Pearman

From: Andrew Croke
Sent: Tuesday, 30 May 2017 3:32 PM
To: Susie Pearman
Subject: FW: URGENT ANNOUNCEMENT ON DEFERRAL OF FESL
Attachments: 30052017 - Gladys Berejiklian and Dominic Perrottet media release - Fire and Emergency Services Levy to be reviewed to ensure fairness.pdf

Importance: High

Hi Susie,
Please put this item in TRIM and include both the email and attached media release as correspondence to June Council Meeting.

Regards

Andrew Croke
Director of Finance and Administration
Upper Lachlan Shire Council
Ph. (02) 4830 1000
acroke@upperlachlan.nsw.gov.au

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Please consider the environment before printing this email.

From: Jeanne Palmer
Sent: Tuesday, 30 May 2017 1:52 PM
To: Bruce Johnston <BJohnston@upperlachlan.nsw.gov.au>; Andrew Croke <ACroke@upperlachlan.nsw.gov.au>
Cc: Marianne Laws <MLaws@upperlachlan.nsw.gov.au>
Subject: FW: URGENT ANNOUNCEMENT ON DEFERRAL OF FESL
Importance: High

FYI

Jeanne Palmer
Senior Revenue Officer
Upper Lachlan Shire Council
Phone: 02 48301006
Fax: 02 48322066
Email: jpalmer@upperlachlan.nsw.gov.au

From: Kevin Pugh [<mailto:Kevin.Pugh@treasury.nsw.gov.au>]
Sent: Tuesday, 30 May 2017 1:30 PM
Subject: URGENT ANNOUNCEMENT ON DEFERRAL OF FESL
Importance: High

The NSW Government has today announced the indefinite deferral of the Fire and Emergency Services Levy's introduction – FESL will now not proceed from 1 July.

- This has immediate and significant implications for all councils.
- July rates notices are now NOT to include any line items for FESL.
- A NSW Government media release on this decision is attached.

Treasury has initiated contact with all software providers, lead councils and print houses to discuss how this policy change will take effect, including the next steps regarding July rates notices. Discussions with these groups will inform more detailed, formal advice to councils on next steps in the coming days.

Treasury will of course honour commitments made to reimburse council reasonable set-up costs.

Treasury will meet shortly with sector representatives via the FESL Local Government Working Group, to discuss in detail the sectoral implications of unwinding FESL implementation.

Treasury acknowledges the tireless efforts that all council staff, and in particular FESL Coordinators, have made to progress the reforms to the point of implementation. The professionalism of the sector has been remarkable, and NSW Treasury is extremely grateful to the sector for the high levels of collaboration shown throughout.

Councils' own 2017-18 rates notices, which will now exclude FESL, are clearly the number one priority for councils, and Treasury will do everything we can to ensure this is not delayed as a result of discontinuing the FESL reforms.



Kevin Pugh | Principal Analyst – Tax Reform Branch

L26, 52 Martin Place, Sydney NSW 2000

GPO Box 5469, Sydney NSW 2001

p: 02 9228 4248

e: Kevin.Pugh@treasury.nsw.gov.au | www.treasury.nsw.gov.au



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Gladys Berejiklian
Premier of NSW

Dominic Perrottet
Treasurer
Minister for Industrial Relations

MEDIA RELEASE

Tuesday, 30 May 2017

FIRE AND EMERGENCY SERVICES LEVY TO BE REVIEWED TO ENSURE FAIRNESS

The NSW Government will defer the introduction of the Fire and Emergency Services Levy (FESL) to ensure small to medium businesses do not face an unreasonable burden in their contribution to the State's fire and emergency services, Premier Gladys Berejiklian and Treasurer Dominic Perrottet announced today.

Ms Berejiklian said that in the majority of cases across NSW, fully insured people would be better off under the new system, however it had become clear that some fully insured businesses were facing unintended consequences.

"We are a Government that listens, and we have heard the concerns from the community, and we will take the time to get this right," Ms Berejiklian said.

"While the new system produces fairer outcomes in the majority of cases, some people – particularly in the commercial and industrial sectors – are worse off by too much under the current model, and that is not what we intended."

Mr Perrottet said that in a number of cases identified so far, the lived experience has not matched the intention of the reform for commercial and industrial sectors, particularly for small and medium businesses.

"The FESL is a complex reform and we always knew there would be challenges during the transition phase," Mr Perrottet said.

"It's not enough for this reform to work on paper – its real-life implementation has real life consequences for families and businesses, and we need to make sure they are not placed under unfair strain.

"We are committed to reducing NSW's high rates of under insurance and to making the funding of our fire and emergency services fairer – but we want to get this right."

The NSW Government will work with local government, fire and emergency services, the insurance industry and other stakeholders to find a better and fairer path forward.

The Fire and Emergency Services Levy will continue to be collected via insurance policies until the NSW Government has completed its review of the policy, and the funding requirements of fire and emergency services agencies will be met in full.

The FESL is revenue neutral, raising no more than the amount required to fund the State's fire and emergency services.

The Insurance Monitor will oversee a smooth continuation of the existing system and ensure insurance companies collect only the amounts necessary to meet fire and emergency services funding requirements.

Further information can be found at www.fesl.nsw.gov.au.

MEDIA: Ehssan Veiszadeh | Premier | 0418 986 206
Tim Cannon | Treasurer | 0439 707 543

Media Release: LGNSW Welcomes NSW Govt Rethink on FESL

30 May 2017

The NSW local government sector today welcomed the State Government's announcement that it would not push ahead with the introduction of its council-collected Fire and Emergency Services Levy (FESL) from July 1.

Local Government Minister Gabrielle Upton advised the sector's peak body Local Government NSW (LGNSW) that the collection of the fire and emergency services levy would revert to the existing system.

Currently, property owners make a significant funding contribution to fire and emergency services through their insurance premiums, as well as via an 11.7% levy embedded in their rate notices.

The Government had previously announced it would scrap the insurance contribution, replacing it with a new line-item levy on council rate notices.

The FESL was based on the unimproved land value of property across NSW.

However, the most recent land valuations meant significant increases in contributions for many property owners, prompting community and media criticism.

"Premier Gladys Berejiklian's announcement that the Government will not impose the FESL from July 1 provides an opportunity to pursue a true broad-based levy that replaces both the insurance and existing ratepayer contributions," LGNSW President Keith Rhoades said.

"The local government sector recognises and supports the need to properly fund fire and emergency services, and has continued to work with Treasury on this.

"Councils have already done a lot of work to comply with the Government's FESL legislation, and there will now be a need to undo this work – not to mention the associated costs.

"While this is regrettable, the chance to get the levy right should be our focus," he said.

Media Enquiries

LGNSW President, Cr Keith Rhoades: 0408 256 405

Media Toni Allan: 0412 774 441

19 May 2017

John Bell
General Manager
ULSC

Matthew Ford
5 Crown Street
CROOKWELL NSW 258

UPPER LACHLAN SHIRE COUNCIL
CROOKWELL OFFICE
31 MAY 2017
File No:


Dear John,

Thank you for your letter of February 21 to inform me Council will pursue opportunities for the inclusion of a local collection point for Crookwell, in the CDS.

Sorry it has taken this long to reply. A few days after your letter was sent, Gabrielle Upton announced a postponement to the launch of the CDS, of five months.

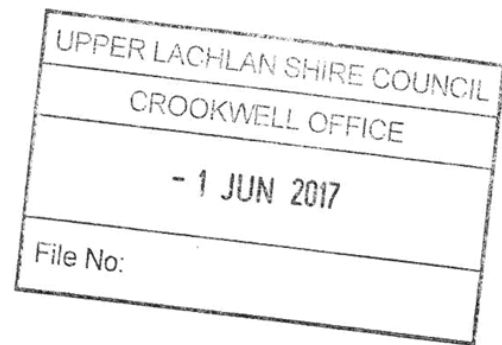
A General view of the postponement is that it could benefit regional NSW and trailer operators, by allowing a larger roll-out.

I encourage you and Council to continue to advocate for Crookwell to be included.

Yours Sincerely

M Ford

Crookwell C W A Evening Branch 1/6/2017

Upper Lachlan Shire Council
Councilbrs



We are writing to you regarding a heated pool for Crookwell.

As the sporting complex is having a revamp, we were wondering if it would be possible to incorporate a heated pool.

As many of you are aware there are a lot of Crookwell people currently traveling to Goulburn for hydrotherapy. Also due to our short swimming season it would be a great facility for all ages, to continue swimming.

If it was available, sports teams would be able to use it after their matches and it would be an added benefit to the gym.

We have addressed this subject in the past, but feel now is the time to think about it again.

Yours

Jeanette Painter

Hon Secretary

Crookwell C W A Evening Branch

John Bell

From: Dalton Power <daltonpower@agl.com.au>
Sent: Wednesday, 31 May 2017 10:32 AM
To: Dalton Power
Subject: Community Consultative Committee - nominations open

Share your ideas and contribute**Nominations are open for the appointment of community members to the Dalton Power Project Community Consultative Committee**

Many State significant projects in NSW have Community Consultative Committees.

These committees provide a forum for open dialogue between the proponent and representatives of the local community, stakeholder groups and local councils on issues directly relating to a project.

This committee will provide an opportunity for members of the local community to share ideas, provide feedback and learn more about AGL's proposed gas-fired power station in Dalton in the Upper Lachlan Shire. The proposal was approved in 2012 and in May this year, AGL requested a two-year extension of the approval to assess its requirement to meet NSW energy security needs.

The Community Consultative Committee is looking for a mix of people who live locally or are members of a stakeholder group (community, environment, Aboriginal or industry).

Selection criteria: You will be expected to contribute constructively to committee discussions, attend around four meetings a year, and communicate information about the proposed gas-fired peaking power station between the committee and the broader community.

Your role as a committee member is voluntary.

The NSW Department of Planning and Environment has selected an independent Chairperson for the Community Consultative Committee.

If you would like to apply, download a copy of the relevant nomination form at www.agl.com.au/dalton.

Applications must be lodged to the independent Chairperson by Wednesday 28 June 2017.

info@dpp.com.au

1800 959 689

Kind regards
Dianne Knott

AGL Community Relations

T: 1800 039 600

E: daltonpower@agl.com.au



UPPER LACHLAN SHIRE COUNCIL
CROOKWELL OFFICE
- 5 JUN 2017
File No:

Susie Pearman

From: Phillip Newham
Sent: Wednesday, 31 May 2017 9:56 AM
To: Susie Pearman
Subject: FW: Road Closure 25th May

Susie Could you include this in the corro for the June Council meeting please.

Phil Newham

Director of Works and Operations
Upper Lachlan Shire Council
02 4830 1000

From: Charlie [mailto:bellcharlie@bigpond.com]
Sent: Sunday, 28 May 2017 6:37 AM
To: Phillip Newham <PNewham@upperlachlan.nsw.gov.au>
Subject: Road Closure 25th May

Dear Phil

Just a quick note to say thankyou very much for the council assisting in the road closure. We had nearly 100 cars from Variety and it was a great success.

The council workers were very accommodating on the day. Thankyou.

Regards

Charlie Bell
"Paling Yards"
7056 Abercrombie Rd
Taralga NSW 2580

T/A One Tree Pastoral
ABN: 13 394 488 454

Email: bellcharlie@bigpond.com
Mobile: 0428 433 085

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9 ENVIRONMENT AND PLANNING

The following items are submitted for consideration -

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Environment and Planning - 15 June 2017

ITEM 9.1 Monthly Weeds Activities Report

FILE REFERENCE I17/306

AUTHOR Manager of Noxious Weeds

ISSUE

Providing Council with a summary of weed control activities that have been conducted in the past month.

RECOMMENDATION That -

1. Council receives and notes the report as information.

BACKGROUND

Standard monthly report providing Council with a summary of the weed control activities that have been conducted in the month of May 2017.

REPORT

Property Inspections

Property	Weed	Parish	Road or Street	Date	Action	Degree
Lot 178 DP 754139	S/T	Preston	Maryvale	3/5/2017	Routine	1
Lot 77 DP 134166	ALG	Dixon	Gundaroo	3/5/2017	Reinspect	2
Lot 152 DP 754127	S/T	Lerida	Collector	3/5/2017	Routine	1
Lot 12 DP 1126349	S/T	Garway	Sapphire	4/5/2017	Reinspect	2
Lot 1 DP 1076316	S/T	Jerrawa	Broadway	4/5/2017	Routine	1
Lot 1 DP 126118	S/T	Dalton	Darby's	4/5/2017	Routine	1
Lot 2 DP 1070516	S/T	Biala	Bully's Cross	9/5/2017	Routine	1
Lot 15 DP 754101	S/T BB	Biala	Bully's Cross	9/5/2017	Routine	1
Lot 36 DP 754111	BB	Dalton	Loop	24/5/17	Notified	1
Lot 37 DP 754111	S/T	Dalton	Loop	24/5/17	Routine	1
Lot 1 DP 754111	S/T	Dalton	Bush's Ln	24/5/17	Routine	2
Lot 111 DP 754106	S/T BB	Bunton	Felled Timber	29/5/17	Notified	1
Lot 119 DP 750008	S/T	Collector	Currawang	29/5/17	Routine	1
Lot 13 DP 264165	S/T BB	Collector	Old Fed Hwy	29/5/17	Routine	1
Lot 31 DP 753066	S/T BB	Yarraman	Abercrombie	2/5/17	Notified	3
Lot 3 DP 1127327	S/T	Kildare	Rugby	9/5/17	Notified	2
Lot 1 DP 592724	S/T BB	Winduella	Sapphire	9/5/17	Notified	1
Lot 1 DP 188222	S/T	Julong	Sylvia Vale	12/5/17	Routine	1
Lot 5 DP 870334	S/T	Thalaba	Peelwood	16/5/17	Routine	1
Lot 12 DP 753038	B/B	Julong	Bigga	2/5/17	Routine	1

Environment and Planning
MONTHLY WEEDS ACTIVITIES REPORT cont'd

Lot 3 DP1034117	B/B	Julong	Sylvia Vale	2/5/17	Routine	1
Lot 2 DP 864086	S/T	Julong	Sylvia Vale	3/5/17	Routine	1
Lot 3 DP 864086	S/T	Julong	Sylvia Vale	3/5/17	Routine	1
Lot 1 DP 864086	S/T	Julong	Sylvia Vale	3/5/17	Notified	2
Lot 4 DP 1034117	S/T	Julong	Sylvia Vale	4/5/17	Routine	1
Lot 1 DP 873640	S/T	Julong	Sylvia Vale	4/5/17	Routine	1
Lot 65 DP753048	S/T SJW	Mulgowrie	Sylvia Vale	8/5/17	Notified	2
Lot 6 DP245990	CG	Mulgowrie	Julong	8/5/17	Routine	1
Lot 216 DP 725470	S/T	Mulgowrie	Sylvia vale	9/5/17	Routine	2
Lot 1 DP 251058	CG	Mulgowrie	Sylvia Vale	9/5/17	Routine	1
Lot 3 DP 830275	S/T	Julong	Julong	10/5/17	Routine	1
Lot 213 DP753028	S/T	Julong	Julong	10/5/17	Notified	2
Lot 118 DP753042	BB	Crookwell	Iron Mine	12/5/17	Notified	2
Lot 1 DP 538890	BB	Markdale	Bigga	15/5/17	Routine	1
Lot 2 DP 624976	S/T	Markdale	Bigga	15/5/17	Routine	2
Lot 71 DP 753014	S/T	Gillindich	Bigga	16/5/17	Routine	1
Lot 60 DP 753045	S/T	Markdale	Mulgowrie	16/5/17	Notified	3
Lot 45 DP 753045	S/T	Mulgowrie	Mulgowrie	17/5/17	Notified	2
Lot 1 DP 1175233	S/T BB	Markdale	Mulgowrie	23/5/17	Notified	1, 2
Lot 1 DP 1123878	S/T	Markdale	Mulgowrie	23/5/17	Notice	3
Lot 5 DP 834753	S/T	Pejar	Dawson Ck	24/5/17	Notice	3
Lot 6 DP 834753	S/T	Pejar	Dawson Ck	24/5/17	Routine	1
Lot 233 DP 753039	BB	Wangalo	Kangaloolah	24/5/17	Routine	2
Lot 108 DP 753060	BB	Wangalo	Kangaloolah	24/5/17	Routine	1

Key for Weed Abbreviations

Weed ID Weed Identification

S/T Serrated Tussock

PC Paterson's Curse

EB English Broom

Go Gorse

BB Blackberry

Nth Nodding Thistle

FW Fireweed

CG Coolatai Grass

SJW St John's Wort

CNG Chilean Needle Grass

ALG African Lovegrass

Key for Degree of Infestations

1. Scattered Plants
2. Scattered Plants with Isolated Patches
3. Dense Infestations

Key for Actions of Inspections

Routine – an inspection where the landowner has either provided adequate information or conducted adequate control work to fulfil their obligations to control noxious weed infestations on their land.

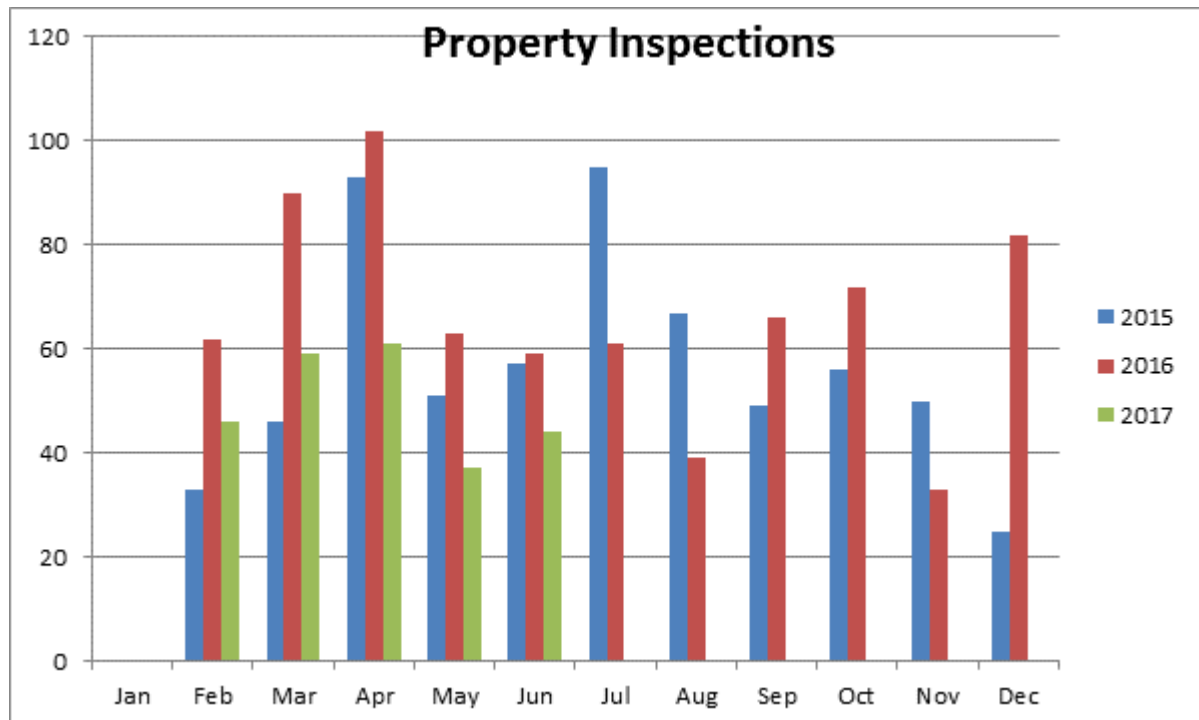
Notified – an inspection where landowners are notified either verbally or by letter that control work is required on specific weed infestations. These inspections generally will require a reinspection.

Environment and Planning

MONTHLY WEEDS ACTIVITIES REPORT cont'd

Reinspection – an inspection that has been conducted to investigate whether adequate control work has been conducted after notification to control weed infestations.

Notice – an inspection where a Weed Control Notice under section 18 of the Act will be served.



Roadside Weed Control

Roadside weed control programs are continuing to focus on the control of grass weeds including Serrated Tussock, African Lovegrass, Chilean Needle Grass and Coolatai Grass. A small number of Fireweed plants are also been located, noxious weed staff will be focusing on finding and destroying any plants found on roadsides over the next five months.

Weeds and Pastures Workshop

On Thursday 11th May 2017 the Noxious Weeds Manager attended and spoke at the above workshop which was held at Binda. The day was organised by the Upper Lachlan Landcare as part of a project to conduct a number of weed control workshops throughout the region during 2017. The day was attended by about twenty five landholders.

Issues covered on the day include identification of new grass weeds, pasture improvement, using landscape maps to plan weed management and the implications of the new Biosecurity Legislation.

New South Wales Biosecurity Act 2015

Over the past month Councils Weed Officers have been undertaking online training to prepare for the introduction of the above Act which will replace the existing

Environment and Planning

MONTHLY WEEDS ACTIVITIES REPORT cont'd

Noxious Weeds Act. On the 31st May 2017 Weed Officers also attended a training workshop at Queanbeyan directed at an overview of the new Act.

It was indicated at this training workshop that the new Act would commence on the 1st July 2017 and will make significant changes in how weed control is regulated in NSW. There will be a transitional period to transfer powers to the new Act and further reports will be provided as this process is progressed.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receives and notes the report as information.

ATTACHMENTS

Nil

Environment and Planning - 15 June 2017

ITEM 9.2 **Development Statistics for the Month of May 2017**

FILE REFERENCE I17/309

AUTHOR **Economic Development Officer**

ISSUE

Providing Council with a summary of the development control activities that have occurred in the month of May 2017.

RECOMMENDATION That -

1. Council receives and notes the report as information.
-

BACKGROUND

Standard monthly report providing Council with a summary of the development control activities that have occurred in the month of May 2017.

REPORT

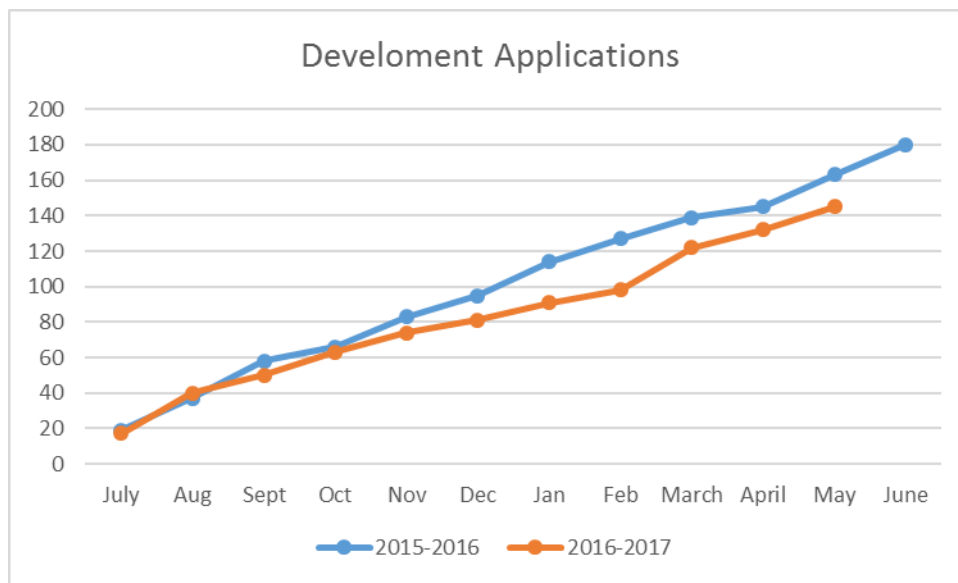
The following table outlines the type and value of new development.

Statistics by Development Type								
Current Year					Last year			
DA Type	May 2017		Year to Date 1/7/2016 to 30/6/2017		May 2016		Year to date 1/7/2015 to 30/6/2016	
	Count	\$Value	Count	\$Value	Count	\$Value	Count	\$Value
Commercial	1	\$1,000	10	\$1,224,585	1	\$10,000	7	\$1,137,063
Residential	10	\$1,701,739	111	\$18,828,996	10	\$1,974,780	107	\$19,221,907
Industrial	0	\$0	1	\$0	0	\$0	0	\$0
Other	2	\$700	11	\$115,700	0	\$0	11	\$25,020,000
Total	13	\$1,703,439	133	\$20,169,281	11	\$1,984,780	135	\$45,378,970
Subdivision								
Type	Count	Lots	Count	Lots	Count	Lots	Count	Lots
Residential	0	0	4	78	2	9	6	19
Rural Residential	1	6	4	15	0	0	8	53
Commercial	0	0	0	0	0	0	0	0
Industrial	0	0	0	0	0	0	0	0

Boundary Adjustment	0	0	0	0	1	0	1	0
Strata	0	0	0	0	0	0	0	0
Agricultural	0	0	3	8	4	17	10	41
Modification	0	0	2	13	0	0	3	0
Total	1	6	13	114	7	26	28	113

1. Development Applications

The level of development applications received is detailed in the following graph.



The current level of development activity being assessed is summarised below:

DAs under assessment	DA modifications under assessment	DAs received May 2017	DA modifications received May 2017	DAs determined May 2017	DA modifications determined May 2017
24	2	11	2	8	1

The average determination processing time is for the month of May was 27 days. Determinations issued 1 May to 31 May 2017 are summarised in the following table:

Determinations Issued between 1 May 2017 to 31 May 2017		
DA No.	Proposal	Property
39/2016 (Modification)	Subdivision	Lot 1 DP 1086372 – Tulloh St, Crookwell
123/2016	Alteration/Addition	Lot 6 DP 594709 – Julong Rd, Binda
14/2017	Subdivision	Lot 10 DP 1214847 – 2392 Gurrundah Rd, Gurrundah
25/2017	Transportable Dwelling	Lot 41 DP 1159084 – 6 Bond St, Gunning

Determinations Issued between 1 May 2017 to 31 May 2017		
DA No.	Proposal	Property
33/2017	Alterations/Additions	Lot 6 DP 1190696 – 30/32 Biala St, Gunning
34/2017	Pergola	Lot 1 DP 833364 – Federal Hwy, Wollogorang
35/2017	Garage/Shed	Lot B DP 359415 – 79 Spring St, Crookwell
38/2017	Alterations/Additions	Lot 1 DP 1046558 – 4714 Biala Rd, Biala
41/2017	Garage/Shed	Lot 33 DP 1179757 – 94 Brooklands St, Crookwell

The Development Applications outstanding as of 31 May 2017 are summarised in the following table:

Outstanding Development Applications – 30 May 2017				
Application No	Date Received	Proposal	Property	Reason
33/2016	22/04/2016	Demolition & Fence/Wall	Church & Goulburn Street, Collector Lot 1 DP 256082 & Lots 2 & 3 DP 554640	Awaiting additional information from applicant
67/2016	26/7/2016	Vineyard/ Winery	1924 Towrang Rd Greenwich Park Lot 25 DP 1095649	Awaiting additional information from applicant
8/2017	31/01/2017	Intensive Ag Use	Greenmantle Rd, Bigga Lot 4 DP 742425	Awaiting additional information from the applicant
13/2017	21/02/2017	Community Event	Copeland St, Gunning Lot 7009 DP 94454	Deferred for additional information
15/2017	3/3/2017	Signs	20 Carrington St Crookwell Lot 21 Sec 8 DP 2383	Under assessment
17/2017	9/3/2017	Commercial Use	210 Goulburn St Crookwell Lot 1 DP 655209	Awaiting additional information from applicant
24/2017	20/3/2017	Dwelling	High St Crookwell Lot 2 DP 1228438	Referred to Engineering
26/2017	27/3/2017	Dwelling	35 Redground Heights Rd Laggan Lot 1 DP 1085367	Awaiting additional information
27/2017	29/3/2017	Garage/Shed	1 Bishop St, Binda Lot 28 Sec 23 DP 758110	Referred to Engineering
28/2017	29/3/2017	Dwelling	40 Goulburn St Collector	Deferred for additional

Environment and Planning**DEVELOPMENT STATISTICS FOR THE MONTH OF MAY 2017 cont'd**

			Lot 11 DP 1066071	information & notification
29/2017	30/3/2017	Dwelling	115 Cobodong Rd Curraweela Lot 3 DP 1083826	Under assessment
30/2017	30/3/2017	Dwelling	558 Redground Heights Rd Laggan Lot 2 DP 1206394	Awaiting additional information from applicant
31/2017	6/4/2017	Dwelling Alterations & Additions	Village of Laggan Lot 3 DP 917994	Awaiting additional information from applicant
32/2017	7/4/2017	Dwelling	29 Goulburn St Collector Lot 12 DP 793491	Deferred for additional information
36/2017	28/4/2017	Demolition	Goulburn St Crookwell Lot 1 DP 972852	Under assessment
37/2017	28/4/2017	Commercial Use	129 Goulburn St Crookwell Lot B DP 367057	Under assessment
77/2008 (Modification)	1/5/2017	Subdivision	Golspie Rd Golspie Lot 2 DP 573963 Lot 3 DP 854569 & Lot 33 DP 625504	Under assessment
39/2017	2/5/2017	Garage/Shed	Hill St Taralga Lot 102 DP 1105184	Under assessment
42/2017	8/5/2017	Garage/Shed	Wheeo Rd Wheeo Lot 99 DP 754147 Lot 4 DP 179477	Under assessment
43/2017	8/5/2017	Alterations / Additions	Wheeo Rd Wheeo Lot 99 DP 754147 Lot 4 DP 179477	Under assessment
44/2017	9/5/2017	Dwelling	35 McGaw Rd Crookwell Lot 13 DP 1219628	Under assessment
45/2017	16/5/2017	Demolition	19 Hume St Gunning Lot 8 Sec 12 DP 758493	Awaiting Additional Information from Applicant
46/2017	16/5/2017	Alterations / Additions	Jerrawa Rd Jerrawa Lot 201 DP 754122	Under assessment
47/2017	23/5/2017	Alterations - Retail	Goulburn St Crookwell Lot 1 DP 305613	Under assessment
125/2016 (Modification)	24/5/2017	Alterations / Additions	918 Kialla Rd Crookwell Lot 81 DP 754108	Under assessment
48/2017	25/5/2017	Dwelling	12 Smith Rd Crookwell Lot 348 DP 754108	Under assessment

2. Construction Certificates

Construction Certificates Issued between 1 May 2017 & 31 May 2017		
CC No.	Proposal	Property
84/2016	Alterations/Additions	Lot 216 DP 725470 – 1859 Sylvia Vale Rd, Binda
22/2017	Alterations/Additions	Lot 1 DP 900385 – 46 Cooper St, Taralga
29/2017	Subdivision	Lot 1 DP 1086372 – Tulloh St, Crookwell
31/2017	Alterations/Additions	Lot 1 DP 1046558 – 4714 Biala Rd, Biala
33/2017	Dwelling	Lot 30 DP 866013 – Kialla Rd, Crookwell
35/2017	Garage/Shed	Lot 33 DP 1179757 – 94 Brooklands St, Crookwell

Approved by Council	
May 2017	Year to date
6	54

3. Occupation Certificates

Occupation Certificates Issued between 1 May 2017 and 31 May 2017		
OC No.	Proposal	Property
29/2017	Garage/Shed	Lot 1 DP 135320 – 2-4 Nelanglo, Gunning
30/2017	Studio/Storage	Lot 1 DP 952289 – 228 Third Creek Rd, Pejar

Approved by Council	
May 2017	Year to date
2	33

4. Subdivision Certificates

Subdivision Certificates Issued between 1 May 2017 & 31 May 2017		
SC No.	Proposal	Property
5/2017	Boundary Adjustment	Lot 2 DP 1109980 – 48 Redground Rd, Laggan

Approved by Council	
May 2017	Year to date
1	23

5. Planning Certificates

The number of Planning Certificates issued this financial year is detailed below.

Year	Number of Certificates Issued
1 July 2008 to 30 June 2009	383
1 July 2009 to 30 June 2010	464
1 July 2010 to 31 June 2011	535
1 July 2011 to 30 June 2012	426
1 July 2012 to 30 June 2013	408
1 July 2013 to 30 June 2014	457
1 July 2014 to 30 June 2015	426
1 July 2015 to 30 June 2016	481
1 July 2016 to 30 June 2017	413

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receives and notes the report as information.

ATTACHMENTS

Nil

Environment and Planning - 15 June 2017

ITEM 9.3 **Disability Inclusion Action Plan**

FILE REFERENCE **I17/299**

AUTHOR **Senior Strategic Planner**

ISSUE

To seek Council endorsement of the Disability Inclusion Action Plan.

RECOMMENDATION That -

1. Council endorse the Upper Lachlan Shire Council Disability Inclusion Action Plan 2017 – 2020.
2. Council forward a copy of the adopted Plan to the NSW Disability Council by 1 July 2017.

BACKGROUND

Council is required to develop a Disability Inclusion Action Plan (DIAP) by 1 July 2017. At its meeting held 20 April 2017 Council endorsed the public exhibition of the Draft DIAP.

REPORT

Further to Council's recommendation at its meeting held 20 April 2017 the Draft DIAP was placed on public exhibition from Monday 24 April 2017 to Wednesday 24 May 2017.

No submissions were received during the exhibition period and therefore the DIAP does not require alteration.

With Council's endorsement of the final DIAP the Plan will take effect from the date of endorsement and will meet the timeframe set under the *NSW Disability Inclusion Act 2014* for a Plan to be in place by 1 July 2017.

POLICY IMPACT

With the endorsement by Council the Upper Lachlan Shire Council Disability Inclusion Action Plan 2017-2020 will take effect and the Council Policy Register will need to be appropriately updated.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council endorse the Upper Lachlan Shire Council Disability Inclusion Action Plan 2017 – 2020.
2. Council forward a copy of the adopted Plan to the NSW Disability Council by 1 July 2017.

ATTACHMENTS

1. ↓	Upper Lachlan Shire Disability Inclusion Action Plan 2017 - 2020. Final version for Council meeting 15 June 2017	Attachment
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Disability Inclusion Action Plan

2017 – 2020

**Original Plan adopted by Council 15 June 2017 Minute No. **
Effective 15 June 2017**

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Message from the Mayor

It is with pleasure that I present Upper Lachlan Shire Council's Disability Inclusion Action Plan 2017-2020.

Council is working towards creating a Shire provides equal opportunity for people with disability, their carers and families to use and enjoy the public spaces and opportunities our Shire has to offer.

The Plan demonstrates Council's commitment to improving the quality of our services, facilities, systems and programs over a four year period. I would like to thank the community members, service providers and Council staff who participated in the consultation process which helped shape and inform the Plan.



A handwritten signature in black ink, appearing to read 'B McCormack'.

Councillor Brian McCormack OAM
Mayor



A handwritten signature in black ink, appearing to read 'J K Bell'.

John K Bell
General Manager

Acknowledgement of Country

Upper Lachlan Shire Council would like to acknowledge the Traditional Custodians of this Land. Council would also like to pay respect to the Elders past and present, of the Wiradjuri Nation, and extend that respect to other Aboriginals present.

Background

In August 2014 the NSW Disability Inclusion Act 2014 was passed and requires Council to develop a Disability Inclusion Action Plan to help remove barriers and enable people with a disability to participate fully in their communities.

Council's vision is for an inclusive and welcoming community where all residents and visitors enjoy a secure and friendly environment. Council's Disability Inclusion Action Plan will aim to provide better access to Council information, services and facilities ensuring people with disabilities can fully participate in their community.

This Plan was developed through consultation which included community, service provider and Council staff surveys.

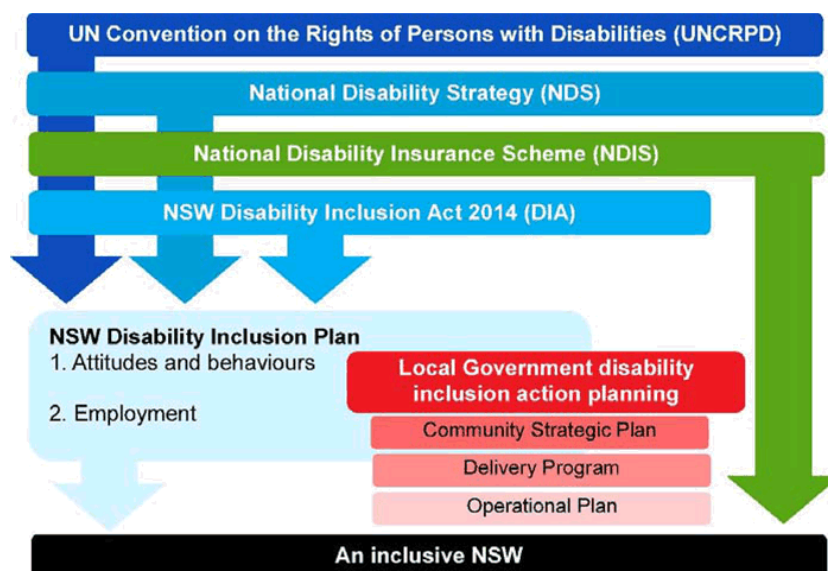
The plan was endorsed for public exhibition at the 20 April 2017 Ordinary Council meeting.

The Plan was formally adopted at the 15 June 2017 Ordinary Council meeting and takes effect from this date.

Legislation and Policy

International

The United Nations Convention on the Rights of Persons with Disabilities



Source: Disability Inclusion Action Planning Guidelines Local Government

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) protects the rights of all people with a disability around the world. Australia was one of the first countries to sign the Convention when it was ratified in 2008. The convention acknowledges that people with disability have the same human rights as those without disability. This commits participating governments to ensure these rights can be exercised and that barriers are removed. The UNCRPD supports the social model of disability. This recognises that attitudes, practices and structures are disabling and can create barriers to people with disability from enjoying economic participation, social inclusion and equality which are not an inevitable outcome of their disability.

The Convention is guided by the following principles:

- respect for inherent dignity, individual autonomy including the freedom to make one's own choices and independence of persons;
- non-discrimination;
- full and effective participation and inclusion in society;
- respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- equality of opportunity;
- accessibility;
- equality between men and women;
- respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

National

National Disability Strategy 2010-2020

The National Disability Strategy 2010-2020 (developed in partnership by the Commonwealth, State, Territory and Local Governments) sets out a national plan for improving life for Australians with disability, their families and carers, to support the commitment made to the UNCRPD.

National Disability Insurance Scheme

The National Disability Insurance Scheme (NDIS) is a major reform that will deliver a national system of disability support focused on the individual needs and choices of people with disability. The NDIS gives participants more choice and control over how, when and where supports are provided.

State

The *Disability Inclusion Act 2014 (NSW)* provides the legislative framework to guide state and local government disability inclusion and access planning. The Act supports people with disabilities to access:

- the same human rights as other members of the community and that governments and communities have a responsibility to facilitate the exercise of those rights;
- independence and social and economic inclusion within the community; and
- choice and control in the pursuit of their goals and the planning and delivery of their supports and services.

In meeting the requirements under the Act for disability inclusion and access planning, Council must:

- (a) Specify how it will incorporate the UN human rights disability principles into its dealings with matters relating to people with disabilities.
- (b) Include strategies to support people with disabilities, for example, strategies to:
 - i. provide access to buildings, events and facilities
 - ii. provide access to information
 - iii. accommodate the specific needs of people with disabilities
 - iv. support employment of people with disabilities
 - v. encourage and create opportunities for people with disabilities to access services and activities
- (c) Include details of its consultation about the plan with people with disabilities and
- (d) Explain how the plan supports the goals of the State Disability Inclusion Plan, (that is, strategies that support the four key DIAP areas).

The Act requires NSW government departments, local councils and some other public authorities to develop and implement a Disability Inclusion Action Plan. The plan must be consistent with the State Disability Inclusion Plan and include strategies to increase access and participation.

Local

The Tablelands Regional Community Strategic Plan 2016-2036 was created by the community and provides a long term vision for the Shire. The Tablelands Regional Community Strategic Plan informs Council's Delivery Program and Operational Plan, which set out Council's role in achieving the community's vision. Other Council plans and documents relevant to the Disability Inclusion Action Plan include:

- Delivery Program
- Operational Plan
- Workforce Plan
- Long-Term Financial Plan
- Infrastructure Plan
- Social and Community Plan
- Ageing Strategy
- Community Engagement Strategy and Communications Plan
- Tourism Strategic Plan
- Cultural Plan
- Upper Lachlan Local Environmental Plan 2010
- Climate Change Adaption Strategy
- Equal Employment Opportunity Plan
- Information Technology Strategic Plan
- Business Continuity Plan

Development of the Disability Inclusion Action Plan is supported by the Delivery Program aspirations as follows:

- A built environment enhancing the lifestyle of a diverse community
- Community liaison to preserve and enhance community facilities
- People attaining health and wellbeing
- Resilient and adaptable communities

Other legislation and standards informing Council's work

- Commonwealth Disability Discrimination Act 1992
- Commonwealth Disability (Access to Premises-Buildings) Standards 2010
- NSW Anti-Discrimination Act 1977
- Carers Recognition Act 2012
- Local Government Act 1993 and Local Government (General) Regulation 2005

Community Profile

The *Disability Inclusion Act 2014* (DIA) defines disability as:

“The long-term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder the full and effective participation in society on an equal basis with others.”

The regional city of Goulburn, in neighbouring Goulburn-Mulwaree LGA had a population of 21,484 in 2011 (ABS 2012c). It is located 44 kilometres (33 minutes) from Crookwell. Taralga is approximately the same distance to Goulburn. Canberra city is approximately a 1.5 hour drive, 112 kilometres from Crookwell (Google Maps, 2016).

The population ('preliminary estimate') of the Upper Lachlan Local Government Area (LGA) in June 2015 was 7,876 (ABS 2016). The population of the LGA at the 2011 Census was 7,193 (ABS 2012a). Table 1 below shows the population of each of the urban areas, and the remaining rural area, at that time.

Table 1: Population, Upper Lachlan LGA, 2011

Geographic area*	Total population	Proportion of total population of LGA
Crookwell	2,014	28%
Gunning	483	7%
Dalton	107	1%
Taralga	284	4%
Remaining rural areas of the LGA	4,305	60%
Upper Lachlan LGA	7,193	

Note: * the geographic areas used for each of the towns are the ABS 2011 Census geographic areas of 'Urban Centre/Locality'. This classification is the closest approximation of the generally accepted 'built up urban area' of each location. Unfortunately the Shire's other built up areas of Bigga, Binda, Collector, Grabben Gullen, Laggan, and Tuena do not have their own separate urban classifications in the Census. Data for these areas in the Census includes not just the built up area but also the surrounding rural areas.

Source: Australian Bureau of Statistics 2011 Census of Population and Housing Basic Community Profiles Table B01

In 2011, 40% of the population resided in four 'urban' areas of the LGA (Crookwell, Gunning, Dalton and Taralga) with the remaining 60% living in the 'rural' areas, although these 'rural' areas also included the villages of Bigga, Binda, Collector, Grabben Gullen, Laggan, and Tuena. The reason for the urban classification of only some areas is given in the Note to Table 1.

The first results from the 2016 Census are due to be released in mid 2017.

People living with a disability

In NSW, there are over 1.3 million people living with disability. Disability may be acquired at birth or early in life, or may be the result of accident, illness or injury throughout life. Disability rates increase substantially as people age, with close to 40% of people having some form of disability by the time they are 70 years old. People experience a range of impacts due to disability, with over 6% of the population experiencing profound or severe disability. (NSW Government, 2015)

The 2011 Census identified that there were 382 people in the ULSC LGA who had 'need for assistance with core activities' (ABS, 2012a). This Census variable "measures the number of people with a *profound or severe disability*. People with a profound or severe disability are defined as those people needing help or assistance in one or more of the three core activity areas of self-care, mobility and communication, because of a disability, long term health condition (lasting six months or more) or old age". (ABS, 2011).

Of those 382 people with a profound or severe disability in the LGA in 2011:

- 183 were male
- 199 were female
- 159 (or 42%) resided in the Crookwell urban area
- 23 (or 6%) resided in the Gunning urban area
- 6 (or 2%) resided in the Dalton urban area
- 31 (or 8%) resided in the Taralga urban area
- 163 (or 43%) resided in the remaining rural areas of the LGA (ABS, 2012b)

The percentage of people needing assistance as a proportion of the total population in the ULSC LGA in 2011 was 5.3%. In comparison, the proportion in the region (Goulburn-Yass Statistical Area 3) was 5.5% and NSW 4.9% (ABS, 2012a). Goulburn-Yass Statistical Area 3 includes the LGAs of Upper Lachlan, Goulburn-Mulwaree, Boorowa, Young, Harden and Yass Valley.

In addition, there were 313 people in ULSC LGA in 2011 who did not state whether or not they 'needed assistance', so it is possible that the actual number and proportion of people with a profound or severe disability is higher than that stated above (ABS 2012a).

In comparison, in 2006, there were 324 people needing assistance in the ULSC LGA of a total population of 7,054 (4.6%), with an additional 393 people not stating whether or not they needed assistance (ABS, 2007).

Details of the total number of people with a disability – including those with a moderate or mild disability – are not available from the Census. Data modelled by the Public Health Information Development Unit (PHIDU, 2015) estimated that there were 838 people aged 18 years and over in the ULSC LGA in 2010 with profound/severe/moderate/mild core activity restriction. This number would presumably include the people counted above in the 2011 Census.

(PHIDU 2015, using data compiled by PHIDU based on modelled estimates from the 2010 General Social Survey, ABS (unpublished); and the ABS Estimated Resident Population, 30 June 2010).

Note: these modelled estimates do not represent data collected in administrative or other data sets. As such, they should be used with caution, and treated as indicative of the likely social dimensions present in an area.

Age

Table 2 below shows the number of people requiring assistance with core activities by age group in the LGA, and in the urban areas, in 2011.

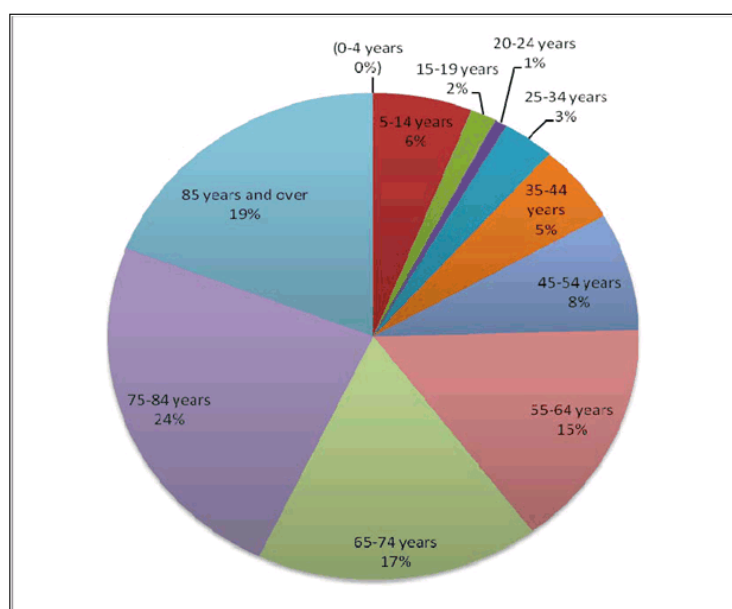
Table 2: Need for assistance with core activities by age, 2011

Age	Number of people needing assistance with core activities				
	Crookwell	Gunning	Dalton	Taralga	ULSC LGA
0-4 years	0	0	0	0	0
5-14 years	9	0	0	0	23
15-19 years	0	3	0	0	6
20-24 years	3	0	0	0	3
25-34 years	3	0	0	0	12
35-44 years	4	0	0	0	20
45-54 years	8	3	3	0	30
55-64 years	24	6	0	0	58
65-74 years	27	8	0	9	66
75-84 years	41	3	0	10	91
85 years and over	40	0	3	12	73
Total people needing assistance	159	23	6	31	382
Total population	2,014	483	107	284	7,194

Source: ABS Census of Population and Housing 2011, Basic Community Profile Table B18

The following graph is extracted from Table 2 and shows the *proportions* of people needing assistance with core activities in the various age groups in the ULSC LGA in 2011.

Figure 1: ULSC LGA: Age groups of people needing assistance with core activities, 2011



Income

Data from the Australian Government shows the following recipients of Department of Social Security payments in the December 2015 quarter in the ULSC LGA (*Australian Government Department of Social Services 2016a*):

- Disability Support Pension – 269
- Carer Allowance – 209
- Carer Allowance (Child Health Care Card only) – less than 20
- Carer Payment – 79
- Commonwealth Seniors Health Card – 201
- Age Pension – 1,062
- Pensioner Concession Card – 1,523

Notes: The following are descriptions of each of the allowances listed above:

- Disability Support Pension - Financial support for people who have a physical, intellectual or psychiatric condition that stops them from working or people who are permanently blind
- Carer Allowance - is a fortnightly income supplement for parents or carers providing additional daily care and attention to an adult or dependent child with disability or a medical condition, or to someone who is frail aged. Carer Allowance is not income and assets tested, is not taxable and can be paid in addition to wages, Carer Payment or any other income support payment.
- Carer Payment - provides financial support to people who are unable to work in substantial paid employment because they provide full time daily care to someone with severe disability or medical condition, or to someone who is frail aged.
- Commonwealth Seniors Health Card - assists eligible people who have reached the qualifying age for Age Pension with certain health and prescription costs
- Age Pension – designed to provide income support to older Australians who need it, while encouraging pensioners to maximise their overall incomes. The Age Pension is paid to people who meet age and residency requirements, subject to a means test.
- Pensioner Concession Card - assists pensioners and selected benefit recipients with certain living costs by allowing access to specific goods and services at a concessional rate. (*Australian Government Department of Social Services 2016b*).

In the 2011 Census, 295 people with a 'need for assistance for core activities' stated their weekly personal income. Of the 5,080 people without a 'need for assistance with core activities' stated their income. A comparison of the percentages in each income bracket is given in Table 3 below.

Table 3: Weekly personal income, ULSC LGA, 2011

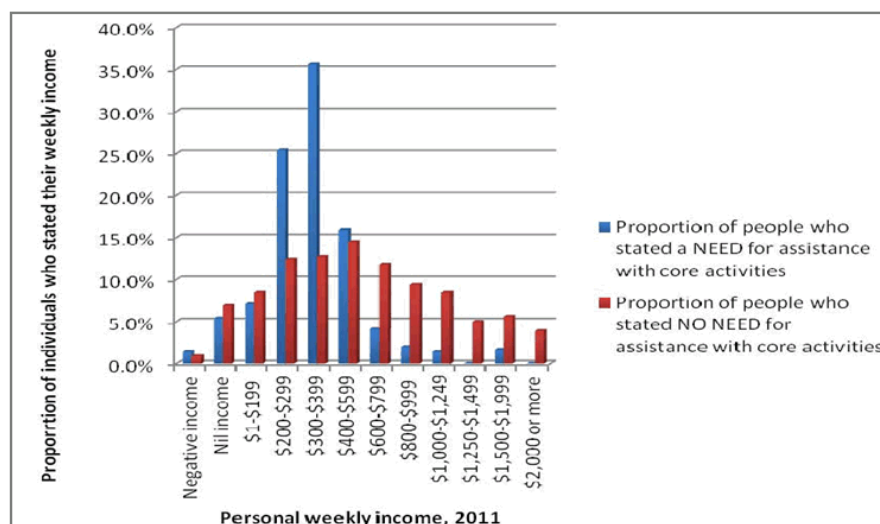
Weekly personal income, 2011	Proportion of people who stated a need for assistance with core activities	Proportion of people who stated no need for assistance with core activities
Negative income	1.4%	0.9%
Nil income	5.4%	6.9%
\$1-\$199 (\$1-\$10,399)	7.1%	8.5%
\$200-\$299 (\$10,400-\$15,599)	25.4%	12.4%
\$300-\$399 (\$15,600-\$20,799)	35.6%	12.7%
\$400-\$599 (\$20,800-\$31,199)	15.9%	14.5%
\$600-\$799 (\$31,200-\$41,599)	4.1%	11.8%
\$800-\$999 (\$41,600-\$51,999)	2.0%	9.4%
\$1,000-\$1,249 (\$52,000-\$64,999)	1.4%	8.5%
\$1,250-\$1,499 (\$65,000-\$77,999)	0.0%	5.0%
\$1,500-\$1,999 (\$78,000-\$103,999)	1.7%	5.6%
\$2,000 or more (\$104,000 or more)	0.0%	3.9%
Total number of individuals with income stated	295	5,080

Source: ABS Census of Population and Housing 2011, Tablebuilder

Table 3 shows the discrepancy between in income levels between people who do and do not require assistance with core activities. While only 9 % of people requiring assistance had a weekly personal income of \$600 or more, 44 % of people *not* requiring assistance had an income of this level or higher.

The following graph (extract of Table 3) highlights the discrepancy in the spread of incomes between people with and people without a need for assistance in ULSC LGA in 2011.

Figure 2: ULSC LGA Personal weekly income by need for assistance with core activities 2011



Living Arrangements

In ULSC LGA in 2011, of the 378 people with a profound or severe disability (needing core assistance), there were 310 people living in the community; and 68 living in long-term accommodation (ie long-term residential accommodation in nursing homes, accommodation for the retired or aged (not self-contained), hostels for the disabled and psychiatric hospitals).

Of the 155 people (41%) aged 0 to 64 years with a profound or severe disability, in 2011 there were 148 people living in the community; and 7 people living in long-term accommodation.

Of the 223 people (59%) aged 65 years and over with a profound or severe disability in 2011 there were 162 people living in the community; and 61 living in long-term accommodation (PHIDU, 2015)

People living in long-term accommodation are likely to be living in the following facilities:

- Taralga
 - Sunset Lodge (23 bed Ageing facility with high and low care) and Self care units
- Crookwell
 - View Haven Lodge (44 beds – principally high care)
 - Self care units
 - Clifton Village (Uniting Care)
 - Nura Village (private aged housing)
- Gunning
 - Self care units (Lions Club)

Carers

A carer is anyone who provides informal care and support to a family member or friend who has a disability, mental illness, drug or alcohol dependency, chronic condition, terminal illness or who is frail. There are approximately 2.7 million carers in Australia, of whom more than 857,000 live in NSW⁽¹⁾.

While not all people with disability have a carer, informal care is the main source of support for people with disability⁽²⁾. The majority (81%) of people with disability who require assistance are supported by a carer, as defined above. People with disability who need help with self-care, mobility or communication are particularly likely (91%) to receive support from a carer.⁽³⁾

(Carers NSW, 2014) citing:

1. Australian Bureau of Statistics (2014), Disability, Ageing and Carers, Australia: Summary of Findings, 2012, Catalogue no. 4430.0, Carer tables, Table 36.
2. Productivity Commission (2011), Disability Care and Support, Report no. 54, Productivity Commission, Canberra, page 704.
3. ABS (2014), Disability, Ageing and Carers, Australia: Summary of Findings, 2012, Disability tables, Table 15

In the ULSC LGA in 2011, there were 792 people aged 15 years and over providing assistance to persons with a disability, which was 13.5% of the population over 15 years of age. This compares with the following percentages for the region and NSW:

- Goulburn-Yass Statistical Area 3 – 12.5%
- NSW – 11.4% (ABS, 2012c)

Notes: The 'Assistance to persons with a disability (unpaid)' variable records people who, in the two weeks prior to the 2011 Census Night, spent time providing unpaid care, help or assistance to family members or others because of a disability, a long-term illness (lasting six months or more) and/or problems related to older age. The data excludes the 8.5% of persons aged 15 years and over whose unpaid assistance to persons with a disability was not stated (the proportion excluded was calculated based on the Australian data). (PHIDU, 2015)

In addition, there were 448 people in the LGA in 2011 who did not state whether or not they 'provided assistance', so it is possible that the actual number and proportion of carers in the LGA is higher than that stated. (ABS, 2012b)

Indigenous status

At the 2011 Census, 121 people, or 1.7% of the total population of the ULSC LGA identified as indigenous, compared with 2.6% in Goulburn-Yass Statistical Area 3, and 2.5% across NSW (ABS, 2012c).

In 2011, only 7 people who identified as indigenous in the LGA stated that they had a 'need for assistance with core activities' (ABS, 2012b).

Of the 792 people over 15 years 'providing assistance to people with a disability' in the LGA in 2011, 16 people (2%) identified as indigenous. (ABS, 2012b)

English proficiency

Of the 382 people 'needing assistance with core activities' in the ULSC LGA in 2011, negligible numbers spoke English 'not at all' or 'not very well' (there were not enough people in this category to provide any meaningful statistic). (ABS, 2012b). It is possible that there are people in this category but who did not answer the Census question as to whether they needed assistance.

Education

In 2011, the following number of people 'needing assistance with core activities' residing in the Upper Lachlan LGA attended the following educational institutions (not necessarily located in the LGA):

- Pre-school – 0
- Infants/Primary – Government – 13
- Infants/Primary – Catholic – 4
- Infants/Primary - Other Non Government – 0
- Secondary – Government – 7
- Secondary – Catholic or non-government – 0
- Technical or Further Educational Institution (including TAFE Colleges) – 3
- University or other Tertiary Institution – 0

Employment

Table 4 below shows the employment status of people in the ULSC LGA in 2011 who needed assistance with core activities.

Table 4: Need for assistance with core activities by employment status, Upper Lachlan LGA, 2011

Employment status	No of people who need assistance with core activities
Employed, worked full-time	13
Employed, worked part-time	17
Employed, away from work	7
Unemployed, looking for full-time work	0
Unemployed, looking for part-time work	3
<i>Proportion of labour force unemployed</i>	<i>7.5%</i>
TOTAL LABOUR FORCE	40
Not in the labour force	306
<i>Proportion of people not in the labour force</i>	<i>88.4%</i>
Total	346

Notes: Count of people 15 years and over, some cells in this table were randomly adjusted in the Census data output to avoid the release of confidential data. No reliance should be placed on small cells.

Source: ABS Census of Population and Housing 2011, Tablebuilder

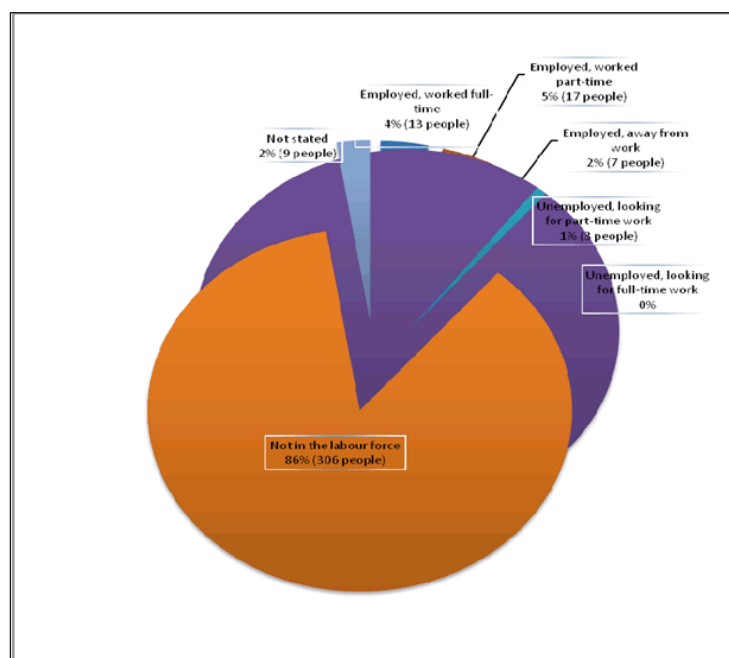
Table 4 shows that of people over 15 years in the LGA who needed assistance with core activities in 2011:

- 37 people were employed, the majority part-time
- Three people were unemployed and looking for part-time work
- Almost 90% were not in the labour force (even though they were over 15 and were eligible to be, if they were not enrolled in education – see further explanation below)

There were an additional 9 people who required assistance with core activities in the LGA who did not state their employment status.

Figure 3 is extracted from Table 4 and shows the employment status of people in the Upper Lachlan LGA in 2011 who needed assistance with core activities.

Figure 3: ULSC LGA – employment status of people over 15 who require assistance with core activities, 2011



Similar 2011 data was extracted for Crookwell, but because of the small number of respondents, the ABS randomly adjusts the Census data output to avoid the release of confidential data, therefore making meaningful analysis of Crookwell data impossible.

To put the employment numbers in the LGA in perspective, the total number of people in the labour force residing in the ULSC LGA at 2011 was 3,582, and the 40 people with a profound or severe disability represent 1.1% of that total number.

The most common reasons for being 'not in the labour force' in Australia are attending an educational institution, being retired or voluntarily inactive, having a long term health condition or disability, or performing home duties (ABS, 2014).

The data above only provides information about people with a profound or severe disability. The following is information about services supporting the LGA:

- Community Gateway was a case management service, which is now Service Co-ordination. Their role is to support people to develop and implement their NDIS plan once it has been approved. This assists with people having a choice of whoever they like for services and activities as we are independent of the other services in the region
- Endeavour industries, Goulburn – currently employ 4 people from ULSC LGA

- Essential Employment and Training now has an office in Crookwell. They offer a day program and will be expanding services as people have their National Disability Insurance Scheme assessments and plans approved. They also do supported employment and transition to work programs with school leavers.
- Upper Lachlan Interagency operates out of Crookwell Hospital and it is a combination of services, both Government and Non-Government Organisation who provide support in the Upper Lachlan for Children, families, youth, aged, mental health, disabilities, transport, Allied Health.
- Upper Lachlan Community Care is the division of Crookwell/Taralga Aged Care that delivers community based services and services for people with a disability. This service compliments our residential aged care services.
- Upper Lachlan Shire Council Access Committee is currently being reviewed to provide improved service for the community.

Mobility Parking Spaces

The Roads and Maritime Services (RMS) has compiled data by Local Government Area on the number of Mobility Parking Spaces Upper Lachlan Shire. For the final quarter in 2016 the following permits were issued:

LGA	Total	MPS permit class		
		Individual	Organisation	Temporary
Upper Lachlan	449	423	16	10

The RMS data compiled by Postcode is not directly comparable to the Upper Lachlan as large locations outside the Shire (including Goulburn and Yass) share the same Postcode as some Upper Lachlan locations. The numbers of permit issued in Postcode 2583 are:

Postcode	Total	MPS permit class		
		Individual	Organisation	Temporary
2583	318	305	8	5

The Mobility Parking permit classes are defined as:

- Individual – Issued for a period of 5 years to eligible people with permanent disabilities affecting their mobility, who drive vehicles or who are passengers in vehicles
- Temporary – Issued for up to six months to eligible people with temporary disabilities affecting their mobility, who drive vehicles or who are passengers in vehicles
- Organisation – Issued to organisations that have been assessed by Roads and Maritime Services as meeting a genuine need to transport eligible people

Community Consultation

As part of this process Council sought feedback through Community, Upper Lachlan Shire Staff and Service Provider surveys. These surveys were available in both hard copy and electronic versions, able to be accessed on Council's website, in all Council Offices and Local Libraries and sent to relevant Service Providers and groups.

The following provides a Summary of the results of the Surveys.

Service Provider Survey responses

After making initial telephone and email contact to determine relevant Service Providers for the Shire the Survey was provided electronically with the Survey period from 14 November to 16 December 2016.

A total of 5 surveys were received.

1. Crookwell Hospital – Acute Care – State and Commonwealth funded
2. Upper Lachlan Community Care – NDIS and Aged Care provider – Commonwealth funded
3. Richmond Fellowship – Community Mental Health – Commonwealth funded
4. Gunning Community Care – Aged and Disability Home Care Services – State and Commonwealth funded and Voluntary Not for Profit
5. Valmar Support Service – Community Transport – State and Commonwealth funded

The following is a summary of survey responses:

Is the community is welcoming of people with disabilities ?

These comments are Service for the community not community (individuals) related.

- Accessibility to transport services a significant issue if disability support pension not available.
- Majority of businesses are accessible however certain businesses create problems for walkers and wheelchairs.
- Access to disabled toilets limited to key use in some areas.

Are Council's facilities accessible ?

- Limited access to disabled toilets – due to need for a key.
- Swimming pools – times to access pools is limited, earlier starts and later closing would benefit all.
- Some amenities are very small to be able to use wheelchairs /scooters.
- Footpaths and parking around the main streets not easy to navigate.

Employment programs

- Essential Employment and Training, with most not aware of any employment programs.

Access Committee

- Generally not aware of the Committee and that it was active.

Council information publications

- All Council information publications are considered accessible and The Voice is a very important publication.

Additional comments

- Extra consideration required for services in Gunning, Tuena, Taralga and Bigga.
- Request hydrotherapy pool in Crookwell.
- Access Committee to be more visible especially with NDIS as many people with a disability will have greater access to the community.
- Significant gap and burden for individuals, families and services supporting young people <16 with mental health. ILC funding set up alongside the NDIS designed to support communities who identify a gap. Set up to fund innovative initiatives.

Upper Lachlan Shire Staff Survey responses

This Survey was distributed to all staff and the Survey period was 14 November 2016 to 1 December 2016 with 33 surveys received and summarised as follows:

1	Age	63% – 36 to 55 years 19% – 56 to 65 years 16% – 26 to 35 years
2	Indoor or Outdoor worker	84% – Indoor 21% – Outdoor (some both)
3	Have a disability	91% – No 6% – Yes: Vision 6% – Yes: Hearing
4	Any problems that prevent members of the public with a disability accessing Council services	36% – Yes 64% – No
5	Awareness of relevant Council policy or procedures	35% – Yes 65% – No
6(1)	Level of awareness of people with vision disabilities	6% – Low 79% – Fair-Good 15% – Excellent
6(2)	Level of awareness of people with hearing disabilities	3% – Low 82% – Fair-Good 15% – Excellent
6(3)	Level of awareness of people with mobility disabilities	6% – Low 79% – Fair-Good 15% – Excellent
6(4)	Level of awareness of people with intellectual disabilities	6% – Low 67% – Fair-Good 9% – Excellent
7(1)	People with disabilities should be employed in special work environments	3% – Agree 85% – Disagree 12% – Unsure
7(2)	People with disabilities have same rights as others including the right to work	91% – Agree 3% – Disagree 6% – Unsure
7(3)	Most people with disabilities are better placed in regular workplaces rather than special training programs	67% – Agree 9% – Disagree 24% – Unsure
7(4)	Everyone benefits being part of a workplace that is inclusive of people with disabilities	85% – Agree 3% – Disagree 12% – Unsure
7(5)	Most people with a disability are unable to work	3% – Agree 91% – Disagree 6% – Unsure
7(6)	Comfortable if workplace/job changed because a co-workers is a person with a disability	70% – Agree 3% – Disagree 27% – Unsure

In regard to the following questions, additional comments were provided:

Q3. Does disability affect work ?

No

Q4. Any problems that prevent members of the public with a disability accessing Council services ?

- Administration office, front glass doors entry, cramped reception area.
- Access through front doors for wheelchair and walker users
- Some access to buildings and facilities
- People with vision impairment may not be able to view media releases/news items published on Council website or published in print media
- Ensuring website is accessible for those with a disability
- Toilet facilities
- Access to public areas, eg Council Chambers

Q5. Awareness of relevant Council policy or procedures ?

Staff cited Equal Employment Opportunity, Code of Conduct, Bullying and Harassment, MLAK facilities, Access in Planning, Disability Inclusion Action Act, Recruitment and Selection Policy, Access policy, Pedestrian Access Mobility Plan, Plan of Management.

Q8. Additional comments

- Have family members with a disability
- All workplaces can benefit from employing people with special needs.
- Depends on the level of disability.
- Unsure how I would feel until I know what changes would be made to my job.
- Working with someone with a disability is not an issue, losing job would be.
- People with a disability have the same rights as all other people, including the right to work.

Community DIAP Survey responses

The Community DIAP Survey was available online through Council's website and in print at all Council Administration Offices and Libraries (Crookwell, Gunning and Taralga). The Survey period was initially 24 November to 16 December 2016 and was then extended to 21 January 2017.

A total of 122 surveys were received (19 submitted online and 103 hard copy) and the following is a summary of those results:

1	Age	63% – aged over 65 years 17% – 55-64 years old
2	Gender	69% female and 31% male
3	Live in	80% reside in Crookwell, 7% in Gunning
4	Language	98% English
5	Carer or Person with a disability	28% – Carer 44% – Person with a disability 27% – Neither
6	Community welcoming of people with disabilities	43% – Yes 54% – No * * the No responses relate to access to buildings not to actual community members.
7	Council facilities accessible	45% – Yes 55% – No
8	Aware of employment initiatives	7% – Yes 88% – No
9	Aware of Council's Access Committee	28% – Yes 66% – No
10	Council information publications accessible	66% – Yes * 29% – No * overwhelming Yes for The Voice as a number of respondents do not use the internet.

In regard to the following questions, additional comments were provided:

Q6. Do you think ULSC community is welcoming of people with disabilities ?

- The responses to community attitude were positive with only one comment regarding attitudes, discrimination and lack of education.
- The majority of the comments relate to access to businesses and shops with some having good access and others having poor access with no ramps, poor wheelchair/pram access and too many steps.
- Disabled parking considered to be inadequately located and not enough spaces.
- Some footpath areas uneven and poor night lighting.
- Speed limit through Gunning Main Street too fast.
- Not aware of a fully fenced inclusive and accessible playground in the Shire.

Q7. Do you think ULSC facilities are accessible ?

- Disabled toilets required an access key which has a fee.
- Poor access to public toilets from the rear car park (Crookwell).
- Indoor heated pool required for retirees.
- Required improved maintenance of roadside gutters and footpaths.
- Access to Council admin office and Gunning Hall difficult.
- Insufficient and poorly located disabled parking spaces.
- Disabled access required for swimming pools.
- Change rooms/areas required for people with a disability at Council facilities.
- The majority of the comments relate to access to businesses and shops with some having good access and others having poor access with no ramps, poor wheelchair/pram access and too many steps.

Q8. Aware of any employment programs/initiatives in ULSC ?

- Of those that responded majority are aware of Essential Employment located in Crookwell.
- There were comments of discrimination in employment by Council of staff from outside the area and not employing someone with a disability.
- Also jobs in shops going to friends and relatives.

Q9. Aware of Council's Access Committee and what it does?

Majority of the respondents were not aware of the existence of an Access Committee or of its role. Most were interested in seeing this Committee become more active in the community.

Q10. Are Council's publication and website accessible ?

Most people find Council's information publications accessible with overwhelming support for The Voice. Those that did not find the website accessible mainly related to the lack or no use of the internet as part of their lifestyle.

Perhaps include more community based news/information in The Voice and ensure the website contact information for community groups etc are kept up to date.

Q11. Additional comments

There were a number of additional comments provided by respondents and the issues relevant to the preparation of the DIAP are:

- Access.
- Access ramps into businesses.
- Disability parking (number, location).
- Parking in the main street.
- Footpaths (condition, vegetation overhanging).
- Walking track.
- Vision impaired assistance.

Summary of issues from community consultation in four disability inclusion focus areas

1. Attitudes and Behaviours

The community responses to attitude were positive with only one comment out of 122 expressing attitudes, discrimination and lack of education. There was general comment that more discussion is required within the community regarding the needs of disabled and the need for more awareness of the needs of people with disabilities. Timely to review and update Council's Access Committee to encourage inclusion of people with a disability.

2. Liveable communities

Access to facilities and services is important for all members of the community and was the main issue highlighted by the community in the survey responses. The issues associated with access were:

- Ramps into businesses.
- Disability parking (number, location).
- Parking in the main street.
- Footpaths (condition, vegetation overhanging).
- Walking track.
- Vision impaired assistance.

3. Employment

Opportunities for employment are important for all members of the community and the provision of local employment helps guarantee the future of rural local communities. There may be opportunities to collaborate with relevant employment agencies to promote employment within the area for people with a disability. Ensure that all Council employment recruitment processes do not discriminate people with a disability.

4. Systems and Processes

Majority of survey respondents find Council's information publications accessible with overwhelming support for The Voice. Those that did not find the website accessible mainly related to the lack or no use of the internet as part of their lifestyle.

Information may be improved by including more community based news/information in The Voice and ensuring the website contact information for community groups etc are kept up to date with links to the National Disability Insurance Scheme and other relevant agencies/resources.

Strategies and Actions

Focus Area 1 – Attitudes and Behaviour					
Strategic Goal	Action	Measurement	Responsibility	Timeframe	CSP Link
Promote positive attitudes and behaviour	Encourage inclusion of people with a disability in Council's Access Committee	Increased number of members representing the interests and needs of people with a disability	Council's Works and Operation Department	December 2017	<p>Strategy CO1 – Facilitate and encourage equitable access to community infrastructure and services, such as health care, education and transport.</p> <p>Strategy CO2 – Encourage and facilitate active and creative participation in community life.</p> <p>Strategy CO3 – Foster and encourage positive social behaviours to maintain our safe, healthy, and connected community.</p>
	Adapt and distribute a "Missed Business Guide" to local businesses	"Missed Business Guide" adapted to Council and distributed to local businesses	Economic Development Officer	December 2017	<p>Strategy CO3 – Foster and encourage positive social behaviours to maintain our safe, healthy, and connected community.</p>

Strategies and Actions

Focus Area 2 – Liveable Communities					
Strategic Goal	Action	Measurement	Responsibility	Timeframe	CSP Link
Safe and accessible community facilities	Investigate existing locations and requirement for additional disabled parking spaces	Additional disability parking space/s provided	Works and Operations Department and Council's Traffic and Access Committees	July 2018	Strategy CO1 – Facilitate and encourage equitable access to community infrastructure and services, such as health care, education and transport.
	Investigate options for providing suitable access for people with vision impairment to key facilities	Vision impaired assistance options identified and implementation prioritised	Works and Operations Department and Council's Traffic and Access Committees	July 2018	Strategy CO2 – Encourage and facilitate active and creative participation in community life.

Strategies and Actions

Focus Area 3 – Employment					
Strategic Goal	Action	Measurement	Responsibility	Timeframe	CSP Link
Supporting access to meaningful employment	Collaborate with relevant NDIS and employment organisations and agencies to promote employment within the local government area for people with a disability	Provision of information on Council's website supporting this action	Human Resources, Economic Development Officer	July 2018	Strategy EC5 – Encourage collaboration between businesses, government, and training providers to develop employment and training opportunities for young people in the region.
	Review Council's recruitment process to ensure it does not discriminate people with a disability	Council recruitment process updated and adopted by Council	Human Resources	July 2018	Strategy EC5 – Encourage collaboration between businesses, government, and training providers to develop employment and training opportunities for young people in the region.

Strategies and Actions

Focus Area 4 – Services Systems and Processes					
Strategic Goal	Action	Measurement	Responsibility	Timeframe	CSP Link
Improve access to services through better systems and processes	Review current communication methods to ensure compliance with accessibility standards	Council's communication mechanisms comply with accessibility standards	Finance and Administration Department	December 2017	<p>Strategy CL1 – Effect resourceful and respectful leadership and attentive representation of the community.</p> <p>Strategy CO2 – Encourage and facilitate active and creative participation in community life.</p> <p>Strategy CO3 – Foster and encourage positive social behaviours to maintain our safe, healthy, and connected community.</p>
	Develop plan for website content compliance with disability standards	Website content meets accessibility standards	Finance and Administration Department	December 2017	Strategy CL2 – Encourage and facilitate open and respectful communication between the community, the private sector, Council, and other government agencies.
	Develop and maintain Council website links to NDIS services and resources	Website updated and maintained	Environment and Planning and Finance and Administration Departments	July 2018	Strategy CL2 – Encourage and facilitate open and respectful communication between the community, the private sector, Council, and other government agencies.

Monitoring and Evaluation

Monitoring

The Disability Inclusion Action Plan includes timelines to guide the completion of the actions. The process will be monitored and evaluated through the Integrated Planning and Reporting cycle.

Implementation of the Plan will be undertaken by the responsible officers. Each action will be monitored and reported against for the periods 1 July – 31 December and 1 January – 30 June of each year.

The General Manager will monitor the overall implementation of the Plan and the integration of its actions into Council's new Delivery Program and annual Operational Plan.

Reporting

Outcomes and achievements will be reported in Council's Annual Report and six monthly report to the community. These reports will be available on Council's Website and at its Administration Building and Libraries.

A report will also be provided to the Department of Family and Community Services and the Minister for Disability Services.

Review

The Plan will be reviewed annually in line with the Integrated Planning and Reporting cycle. An audit, evaluation and review of the Plan will be conducted at the end of its term.

Acknowledgement

Upper Lachlan Shire Council would like to thank the many community members, staff and Service Providers who contributed to the preparation of this Plan.

Environment and Planning - 15 June 2017

ITEM 9.4 **2017-18 to 2018-19 NSW Heritage Grants Program Funding**

FILE REFERENCE **I17/302**

AUTHOR **Senior Strategic Planner**

ISSUE

To advise Council of successful funding from the Heritage Division for 2017-2018 to 2018-2019 for the Local Heritage Places and Heritage Advisor programs.

RECOMMENDATION That -

1. That Council receive the report and note the information.

BACKGROUND

Council has been offered funding for Local Projects and the Heritage Advisor program since 2010-2011 with the support of funding from the NSW Heritage Division. Applications for funding were submitted to the Heritage Division in December 2016 and Council has now been offered funding for both the Local Heritage Places and Heritage Advisor programs.

REPORT

2017-2018 to 2018-2019 Heritage Funding Applications

Council has successfully received funding from the Heritage Division of the Office of Environment and Heritage (OEH) to support the continuation of the Heritage Advisor and Local Heritage Places Grant Program in 2017-2018 and 2018-2019.

The Heritage Advisor (HA) grant is for an amount up to \$6,000 (excluding GST) and the Local Heritage Places (LHP) grant is for an amount of up to \$5,500 (excluding GST). The funding for both has been provided with a funding formula of \$1 OEH to \$1 Council funding. The LHP is marginally more than last year's funding (of \$5,000) and the funding formula is a more favourable \$1:\$1 [last year \$1 (OEH):\$2 (Council)].

An application for funding for the Upper Lachlan Shire Heritage Study Review under the Local Government Heritage Planning Studies stream of the 2017-18 NSW Heritage Grants Program was unsuccessful.

2017-2018 Local Heritage Places Grant Program

It is anticipated that applications for the 2017-2018 Local Heritage Places Grants will open in August and close early September 2017. Details will be available on the Council website and also at the Council offices, with application forms and Guidelines to be sent to the local historical societies and interested persons.

Environment and Planning**2017-18 TO 2018-19 NSW HERITAGE GRANTS PROGRAM FUNDING cont'd**

These grants are supported by the Heritage Division of the Heritage Council of NSW under the Local Government Heritage Advisors Stream and Local Heritage Places stream for 2017-2018 to 2018-2019.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Funds have been allocated under the 2017-2018 Management Plan and will need to be allocated in the 2018-2019 Management Plan to support these offers.

RECOMMENDATION That -

1. That Council receive the report and note the information.

ATTACHMENTS

Nil

Environment and Planning - 15 June 2017

ITEM 9.5 **Update on 2016-17 Local Heritage Places and Heritage Advisor funding programs**

FILE REFERENCE **I17/303**

AUTHOR **Senior Strategic Planner**

ISSUE

To provide an update on the completion of works under the 2016-2017 Local Heritage Places and Heritage Advisor programs.

RECOMMENDATION That -

1. Council receive and note the report as information.
2. Correspondence be forwarded to the Heritage Advisor thanking her for the continued commitment to the Shire's Heritage and for her invaluable support and guidance towards these projects and heritage enquiries.
3. A letter of congratulations be sent to all Heritage Grant recipients on their successful completion of projects for 2016-2017.

BACKGROUND

At its meeting held 20 October 2016 Council resolved to offer funding to six successful applicants for funding under the 2016-2017 Local Heritage Places Program. This report advises of the successful completion of five of the six projects.

REPORT

Funding under the 2016-2017 Local Heritage Places Program was offered to projects located in Blakney Creek, Crookwell, Gunning and Taralga.

Applicant	Heritage item address	Project description
Roger Saville (Project 1)	11 Hill Street, Taralga	Restump south side of cottage; Reinstall floorboards to north side of cottage
Edgar Whittaker (Project 2)	Warrataw Street Gunning	Stabilisation work to building 'Frankfield Hotel'
Wendy Shannon (Project 3)	"Bloomfield" Blakney Creek	Restoration of <i>Bloomfield</i> Farm Buildings – Calf, Milking and Sweating Sheds; Shearer's Quarters
Christopher Anderson (Project 4)	'Mount Pleasant' Boobalaga Road Crookwell	This project was completed but no details submitted for remittance of funds due to the applicant's personal circumstances
Paul Lindfield (Project 5)	4269 Taralga Road, Taralga	Restoration and maintenance of Station Master's Residence, Taralga Railway Station (former)
Lee Hobson (Project 6)	London House, Yass Street,	Restoration works to London House

Environment and Planning**UPDATE ON 2016-17 LOCAL HERITAGE PLACES AND HERITAGE ADVISOR FUNDING PROGRAMS** cont'd

Applicant	Heritage item address	Project description
	Gunning	

Five of the six projects were successfully completed and a Summary Annual Report will be provided at the Council meeting for viewing by Councillors with photos of the before and after work achieved through the program.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Claims have been made to the Office of Environment and Heritage – Heritage Grants for reimbursement of the 2016-2017 funding for Local Heritage Places Fund (\$4,183.94) and Heritage Advisor (\$6,000).

RECOMMENDATION That -

1. Council receive and note the report as information.
2. Correspondence be forwarded to the Heritage Advisor thanking her for the continued commitment to the Shire's Heritage and for her invaluable support and guidance towards these projects and heritage enquiries.
3. A letter of congratulations be sent to all Heritage Grant recipients on their successful completion of projects for 2016-2017.

ATTACHMENTS

Nil

Environment and Planning - 15 June 2017

ITEM 9.6 **Review of Removal or Impounding of Livestock from a Public Place Policy**

FILE REFERENCE **I17/290**

AUTHOR **Director of Environment and Planning**

ISSUE

Review of Council's Removal or Impounding of Livestock from a Public Place Policy.

RECOMMENDATION That -

1. Council adopts the reviewed Removal or Impounding of Livestock from a Public Place Policy.

BACKGROUND

The Removal or Impounding of Livestock from a Public Place Policy was last reviewed on the 20 September 2012.

REPORT

Changes to the reviewed Removal or Impounding of Livestock from a Public Place Policy are highlighted as follows:

- Red – proposed deletion.
- Yellow – proposed updating.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil


RECOMMENDATION That -

1. Council adopts the reviewed Removal or Impounding of Livestock from a Public Place Policy.

Environment and Planning

REVIEW OF REMOVAL OR IMPOUNDING OF LIVESTOCK FROM A PUBLIC PLACE POLICY cont'd

ATTACHMENTS

1. 	Removal or Impounding of Livestock from a Public Place Policy	Attachment
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POLICY:-	
Policy Title:	Removal or Impounding of Livestock from a Public Place Policy
File reference:	F10/618
Date Policy was adopted by Council initially:	15 October 2009
Resolution Number:	411/09
Other Review Dates:	20 September 2012
Resolution Number:	294/12
Current Policy adopted by Council:	XX/XX/2017
Resolution Number:	XX/17
Next Policy Review Date:	2020
PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed;	N/A
Procedure/guideline reference number:	N/A
RESPONSIBILITY:-	
Draft Policy Developed by:	Manager of Environment and Planning
Committee/s (if any) consulted in the development of this policy::	N/A
Responsibility for implementation:	Manager of Environment and Planning
Responsibility for review of Policy:	Director of Environment and Planning

OBJECTIVE:

The objective of this policy is to outline Council's role and responsibilities regarding the management of straying stock throughout the local government area.

The key objectives of this policy are:

- To protect the safety of Council staff when undertaking the duties related to the removal or impounding livestock.
- To alert other road users to the presence on roads of livestock in the local government area in the interest of safe use of roads.
- To provide for the welfare of livestock when being removed or impounded.
- To minimise any damage to road pavements, formations, drainage, vegetation and surrounding areas arising from livestock.
- To regulate the adequacy of fencing of livestock.

About the Policy

The Impounding Act, 1993 (IA 1993) allows an impounding authority to authorise persons to impound and deal with animals that are left unattended or are trespassing. The decision to undertake impounding of livestock must be made by resolution of each Impounding Authority. An impounding Authority is defined in the Impounding Act, 1993 and includes a Council.

Whilst Councils and the Local Land Services have certain responsibilities for livestock impounding, members of the NSW Police Service also have designated powers to impound straying stock and may exercise the powers of any impounding officer.

This policy has been developed to ensure the safety of Impounding Officers who are at risk when attending to straying stock. The policy outlines the primary objectives of the Impounding Officer and their roles and responsibilities in ensuring not only their own safety but the safety of the public when managing a call out by ensuring they are appropriately equipped and trained.

Policy Definitions

Animal means any of the following: (IA 1993)

- Cattle, horses, donkeys, mules, asses, camels, sheep, goats, pigs and deer (but not including feral animals).

Area of operations of an impounding officer means; (IA 1993)

- In the case of an impounding officer appointed by a Council, any place in the area of the Council and any place in the area of another Council in which that other Council has authorised it to impound under this Act, but does not include the area of operations of an impounding officer appointed by the Director of National Parks and Wildlife.

Council means a Council under the Local Government Act, 1993.

Exercise of a power includes, where the power is a duty, the performance of the duty (IA 1993).

Impounded has the meaning given by section 8 of the Impounding Act 1993.

Impounding authority means the Council (IA 1993).

Impounding officer means a person appointed by the Council to exercise the powers of an impounding officer.

Note: Under section 5 all police officers have the powers of impounding officers. Police officers are not expected to exercise a primary role under this Act. Primary responsibility under this Act rests with the appropriate impounding authority (IA 1993).

LLS means the Local Lands Services.

Occupier of land includes:

- (a) a person who is managing the land on behalf of its owner or occupier, and
- (b) a person who is responsible for caring for or controlling the land (IA 1993).

Owner of an animal or article means any person who alone or jointly is entitled, whether at law or in equity, to possession of the animal or article (IA 1993).

Place includes premises, an area of water and a means of transport (IA 1993).

Power includes authority, duty and function (IA 1993).

Private land means:

- all land, except Crown land (as defined in the Crown Lands Act 1989) and land dedicated or reserved for a public purpose that is not managed or controlled by a reserve trust under that Act, and
- Crown land (as defined in that Act) that is the subject of a holding (as defined in that Act).

Note: Land held under a lease from the Crown is treated as private land (IA 1993).

Public place means a place (other than a place declared by the regulations not to be a public place) that is open to or frequented by the public:

- (a) whether or not payment for admission to the place is required, and
- (b) whether or not the place is usually open to or frequented by the public, and, in particular, includes:
- (c) any place dedicated or reserved for a public purpose, and
- (d) a place which, although privately owned, is a place to which the public are permitted to have access for the purposes of business or leisure or to use as a thoroughfare (IA 1993).

Public pound means a pound established as a public pound under the Impounding Act 1993.

Unattended in relation to an animal, includes abandoned or straying (IA 1993).

ROLE AND RESPONSIBILITIES OF IMPOUNDING OFFICERS AND COUNCIL

Staff Safety and Resourcing

- Impounding Officers will undertake an appropriate training and assessment to ensure they have the appropriate skills and competencies.
- Training should include traffic control, stock handling, conflict resolution, animal welfare and risk assessment.
- The Impounding Officer must comply with the drug and alcohol policy of the Council.
- The Impounding Officer will not be permitted to undertake impounding duties if they have worked a 12 hour shift within a 24-hour period.
- The Impounding Officer will have authority to call out additional trained staff as the need arises.
- Council will arrange for relief personnel to be available to assist the Impounding Officer. Relief staff will be adequately trained in the duties of impounding.

Managing a Call Out

- When Council Staff receive a call regarding stray stock, they should complete an initial "Stray Stock Notification Report".
- The Impounding Officer must make all reasonable enquiries in an effort to find out the name and address of the owner of straying stock.
- The Impounding Officer should make arrangements with the owner to direct the stock to safety.
- The Impounding Officer should call on additional trained personnel if required.
- The Impounding Officer is not to engage the service of the general public or their family or friends in any impounding activity.
- The Impounding Officer may refer a call received after hours to the next working day, if it is the opinion of the Impounding Officer it is not a high risk. e.g. a call 10km up a gravel road and/ or a dead end with the animal not being a high risk to other road users.

Plant and Equipment

- Council will provide the Impounding Officer with the plant and equipment required for impounding livestock.
- Impounding Officers vehicles are required to have appropriate hazard marking.
- Council will annually review the Recommended Plant and Equipment Checklist and provide adequate resources for the upgrade or replacement of plant and equipment.

- Council will provide the Impounding Officer with the appropriate equipment so communication is available as practical throughout the local government area.
- Council should ensure that Impounding Officers are equipped with up-to-date maps of the local government area.

Impounding of Stock

- Impounding of stock will be carried out in accordance with the Impounding Act 1993.
- The Impounding Officer should undertake a risk assessment on-site to identify the most appropriate place to impound stock or to load them.
- The Impounding Officer is to make a reasonable attempt to find a suitable area for impounding.
- The impounding Officer should make a reasonable attempt to seek permission from the landowner prior to impounding stray stock on private land. Councils in cooperation with the **Local Land Services**, Department of Primary Industries, National Farmers Federation and the Meat and Livestock Association are to encourage landowners that manage/own certified properties (EU, QA) to use appropriate identification on fences and gates.
- In the event that stray stock requires removal from the site then the Impounding Officer shall contact a suitable stock carrier and have the stock relocated to a suitable impounding area. The cost of the stock carrier shall be passed onto the registered owner of the stray stock.

Overturned Stock Carrier

In the event of an incident involving a stock transport vehicle:

- The primary objective of an Impounding Officer is to manage straying animals.
- The impounding officer is at no time to enter the overturned stock transport vehicle.
- An overturned stock transport vehicle is considered an accident scene therefore the Police are to manage the accident scene and they need to be advised that the Impounding Officer is not authorised to enter overturned vehicles.

Animal Welfare and Disease

- The Impounding Officer will manage live animals in accordance with the Prevention of Cruelty to Animals Act 1979.
- All care should be taken by the Impounding Officer to manage stock in a manner that will not facilitate the spread of disease.

Disposal of Dead Stock

- The Impounding Officer is not responsible for the disposal of dead stock as this is the responsibility of the carrier / stock owner.

If the Impounding Officer is unable to ascertain the identity of the owner of stock, either the **Local Land Services** or Council will proceed to collect and dispose of stock. The Impounding Officer should collect photographs and written details of dead stock for Council records.

Repair of Inadequate Fencing

- The impounding officer should advise the land / stockowner to repair the fence within 24hrs containing stock to avoid further problems.
- If the land/stock owner has not been located the impounding officer should make a reasonable attempt to secure the fence.

Relevant Legislation

Protection of the Environment Operations Act 1997

Impounding Act 1993

Prevention of Cruelty to Animals Act 1979

Roads Act 1993

Work Health and Safety Act 2011

Crown Lands Act 1989

Biosecurity Act 2015

Variation

Council reserves the right to vary or revoke this policy.

Environment and Planning - 15 June 2017

ITEM 9.7 **Review of Development Application Fee Waiver Policy**

FILE REFERENCE I17/289

AUTHOR **Director of Environment and Planning**

ISSUE

Review of Council's Development Application Fee Waiver Policy.

RECOMMENDATION That -

1. Council adopts the reviewed Development Application Fee Waiver Policy.

BACKGROUND

The Development Application Fee Waiver Policy was last reviewed on the 21 June 2012.

REPORT

Changes to the reviewed Development Application Fee Waiver Policy are highlighted in yellow.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council adopts the reviewed Development Application Fee Waiver Policy.

ATTACHMENTS

1. ↓	Development Applicatio Fee Waiver Policy	Attachment
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POLICY:-	
Policy Title:	Development Application Fee Waiver Policy
File reference:	F10/618-05
Date Policy was adopted by Council initially:	24 July 2008
Resolution Number:	219/08
Other Review Dates:	21 June 2012
Resolution Number:	172/12
Current Policy adopted by Council:	XX/XX 2017
Resolution Number:	Xx/17
Next Policy Review Date:	2020

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

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

OBJECTIVE

To provide assistance to appropriate community groups in development and construction of buildings.

SCOPE

Applies to fees and charges levied by Council in relation to development and construction applications.

ELIGIBLE ORGANISATIONS

Registered not-for-profit, charitable and/or community organizations and community sporting clubs within Upper Lachlan Council local government area.

CIRCUMSTANCES WHEN FEES CAN BE WAIVERED

Developments on any Council or Government-owned or Community trust-held land within the Council area, which will be for the benefit of the local community.

POLICY

1. If an application is for development which does not benefit the community, the fees shall not be waived. In all other circumstances the fees shall be waived as follows:
 - Development Application fee – 100% waived
 - Construction Certificate fee – 100% waived
 - Inspection fee – 100% - waived
 - On-site Sewage Management Application fee – 100% waived
2. Any organisation that meets the criteria of an eligible organisation (as outlined in this policy) for consideration by Council for the reduction or waiving of development and construction related fees are to send a written request to Council's General Manager.

RELEVANT LEGISLATION AND COUNCIL POLICIES

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

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Local Government Act 1993
- Local Government (General) Regulation 2005

VARIATION

Council reserves the right to vary or revoke this policy.

10 WORKS AND OPERATIONS

The following items are submitted for consideration -

10.1	Works In Progress - Construction & Maintenance	104
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10.7	Request from Gunning Roos Inc for the Waiver of Council Fees and Charges.	123

Works and Operations - 15 June 2017

ITEM 10.1 **Works In Progress - Construction & Maintenance**

FILE REFERENCE **I17/281**

AUTHOR **Manager of Works**

ISSUE

This report provides Council with details regarding the construction and maintenance work in progress.

RECOMMENDATION That -

1. Council receive the report and note the information.

BACKGROUND

Works and Operations Department construction and maintenance works in progress.

REPORT

Road service requests for grading maintenance, pothole repairs, drainage maintenance and vegetation maintenance are being received frequently. Works are being attended to in a priority order.

Details of the major current projects are set out below:-

1. MR54 Segment 600, Junction Point Road reconstruction and initial sealing, segment length 5.3km and Segment 610 “hairpin” improvements

Earthworks are complete on stage 3, a 1.05km section, and gravel pavement construction has commenced. Sealing of stage 3 has been postponed slightly for reasons explained below. This section is now scheduled to be sealed in July 2017, weather permitting.

Once stage 3 is completed, the remaining 1.93km is scheduled to be completed by December 2017, weather permitting.

Recently RMS advised that due to the timely and thorough investigations by Council staff that funding had been secured to improve a steep winding section known as segment 610 (the segment contains several “hairpin” bends). This segment adjoins the abovementioned segment already being worked on. It is pleasing to note that within a very short lead time Council’s staff managed to complete a detailed design and Review of Environmental Factors to RMS satisfaction. Generally the design follows the current alignment, but is substantially wider and the camber on the corners is reduced.

Works and Operations

WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE cont'd

These improvement works will commence early June 2017 using the same construction crew which has been working of segment 600.

The final surface will be substantially wider than existing and completed with an asphalt wearing surface.

2. MR256 Abercrombie Bridge Replacement Project

This timber bridge replacement project is co-funded by Infrastructure NSW Restart NSW programme and the Department of Infrastructure and Regional Development Bridges Renewal program.

As previously advised, delivery of part of the precast components was completed in early March 2017, with 15 precast units delivered.

Council have submitted an Aboriginal Heritage Impact Permit (AHIP) with the Office of Environment and Heritage (OEH). However this permit application has not progressed as OEH will not process it until the Review of Environmental Factors (REF) is signed off. This permit will allow Council to impact on the artefacts under conditions to be specified in the permit.

Oberon Council are still in negotiation with National Parks and Wildlife Service in respect to formalising the road reserve through the Abercrombie River National Park.

Due to the abovementioned formalisation of the road reserve through the Abercrombie River National Park, it is estimated the finalisation of the Review of Environmental Factors (REF) will not be available until the end of June 2017 at the earliest.

Due to delays with finalising the REF and the approaching winter period Council has forwarded requests for an extension of time to both Infrastructure NSW Restart NSW programme and the Department of Infrastructure and Regional Development Bridges Renewal program.

This extension of time is to the 30 June 2018 and at the time of writing this report the response to the EOT request has not been advised.

3. MR52 Gundaroo Road Rehabilitation "Tyrone Section" 8.9km to 10.5km South of Gunning.

Council has completed the sealing of this 1.6km rehabilitation which has included formation widening, including through a large cutting, pavement widening and strengthening, shape correction and widening of the formation through a large cutting.

Activities on site will now be directed to crash barrier installations, line marking and signposting.

This project is stage two of the three stage project for the Gundaroo Road rehabilitation program and is co-funded by the RMS Regional Road Rehabilitation Program and Council.

Works and Operations

WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE cont'd

The final stage three is a 1.7km section adjoining this year's section. This will be completed in 2017/2018 as part of the agreed Regional Road Rehabilitation Program.

Routine Grading Maintenance

Council is receiving regular service requests for maintenance grading. Council's staff are actively reviewing the conditions of the unsealed road network and this program is subject to change depending on road conditions and weather.

Council's proposed maintenance grading program for the upcoming month is as follows:-

Works in Progress

1. Woodhouslee Road;
2. Peelwood Road (Phil's River Bridge to Limerick);
3. Sapphire Road.

Scheduled Works

1. Grabine, Foggs Crossing and Reids Flat Roads;
2. Clancy's, Alton Hill, Shaws Roads and Birroon Lane;
3. Hillgrove and Berrabanglo Creek Roads;
4. Side roads off Wombeyan Caves Road.

Other Construction and Maintenance Works

Other Works in Progress/scheduled

1. Blackspot safety improvements on MR256 Taralga Road near "Myrtleville";
2. Blackspot safety improvements on Bigga Road, just northwest of Bigga Village;
3. Shared footpath construction (90m) in Carrington Street, near Northcott Street intersection;
4. Vegetation trimming on MR248 west between MR54 and Cotton Vale Creek and MR54 at selected locations;
5. Gravel re-sheeting on Third Creek, Cooks Hill, Dawes, and Kentgrove Roads;
6. Improvements to Bigga Recreation Ground amenities;
7. Currans Road causeway replacement - box culverts ordered and awaiting delivery.

Works Completed

In addition to the major projects as detailed above, Council has also completed:-

1. Gravel re-sheeting on Greenmantle, Reids Flat, Elms, Oolong, Berrebanglo Creek, Bevendale, Jerrara, Iron Mines, Maryvale, Bannister lane, Middle Arm and Woodhouslee Roads;
2. Blackspot safety improvement works on Swallowtail Road at the Bannaby Road intersection;
3. Vegetation trimming on MR256, Abercrombie Hill, Redground Road near "Barlow's" and minor works on selected trees in Crookwell;
4. Construction of a temporary side track around Kialla Creek timber bridge;

Works and Operations

WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE cont'd

5. Repairs to damaged crash barrier on Saleyards Road, Crookwell;
6. Site preparation works for installation of outdoor gym at Clifton Park, Crookwell;
7. Assisted with traffic control and temporary closure of Orchard street Taralga for the Variety Club Car rally visit;
8. Line marking on various locations following reseal program;

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive the report and note the information.

ATTACHMENTS

Works and Operations - 15 June 2017

ITEM 10.2 **Works In Progress - Technical & Managerial**

FILE REFERENCE **I17/282**

AUTHOR **Director of Works and Operations**

ISSUE

This report advises Council in regard to the technical and managerial activities of the Works and Operations Department during the previous month.

RECOMMENDATION That -

1. Council receive the report and note the information.

BACKGROUND

Advise Council in regard to the technical and managerial activities of the Works and Operations Department during the previous month.

REPORT

Council's Director of Works and Operations has been on Annual Leave from 15 May to 30 May 2017. The Director will also be on leave from 3 July 2017 to 14 July 2017.

Council's Mayor, General Manager, and Director of Works and Operations met the State Government Infrastructure Co-ordinator (Mr Ken Gillespie) on 24 April 2017. Mr Gillespie has been appointed by the NSW Premier to find ways of expediting the delivery of infrastructure projects in Regional NSW. He was interested in sharing Council's experiences in delivering projects and was also seeking Council's advice on ways to speed up the delivery process. Council's Director of Works and Operations has provided Mr Gillespie with information regarding three of Council's current issues that could be expedited – the issues were Abercrombie River Bridge, Snow Damage and disaster funding generally.

The Mayor, General Manager, Director of Environment and Planning, Director of Works and Operations and Manager of Works have attended two meetings with the developers of the Crookwell 2 Windfarm to negotiate terms and conditions for the use (and improvement) of Council's road network for the construction of the windfarm. The negotiations are ongoing at present.

Council staff have finalised negotiations with RMS in relation to the Natural Disaster Assistance Funding – NSW Inland Storms and Floods that occurred in July 2016. RMS have provided Council with an offer of funding and a Schedule of Works for the project. Council has requested that RMS approve the use of day labour (supplemented by local contractors) to carry out the work. A copy of the letter of offer is attached for the information of Council.

Works and Operations

WORKS IN PROGRESS - TECHNICAL & MANAGERIAL cont'd

The offer was formally accepted on 24 May 2017.

POLICY IMPACT

Nil

OPTIONS

Nil


FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive the report and note the information.

ATTACHMENTS

1. 	Natural Disaster Funding Offer	Attachment
--	--------------------------------	------------



Transport
Roads & Maritime
Services

GARRY

1 May 2017

SF2016/231846

The General Manager
Upper Lachlan Shire Council
PO Box 10
CROOKWELL NSW 2583

UPPER LACHLAN SHIRE COUNCIL
CROOKWELL OFFICE
10 MAY 2017
File No:

Attention: Garry Anable

Dear Garry

Schedule of Works – Natural Disaster Assistance Funding – NSW Inland Storms and Floods July 2016

I refer to your submission for funding for the declared Natural Disaster flood event of July 2016 and advise that your claim for restoration works has been approved in accordance with the "Natural Disaster Arrangements January 2012" on the RMS website/"Local Government Relations".

Local Roads/Emergency Response

Attached is a Schedule of Works for restoration and emergency response works on Local Roads in an amount of \$2,031,396 with Roads and Maritime Services' share being \$2,002,396.

As per Section 4 Provision of Funds of the Natural Disaster Arrangements, assistance is provided for local roads at 75% of the assessed cost up to \$116,000 and 100% thereafter, and for regional roads and emergency works at 100% of the assessed value of work. Council are therefore required to fund the balance of \$29,000.

Regional Roads

Attached is a Schedule of Works for restoration works on Regional Roads in an amount of \$71,000, fully funded by Roads and Maritime Services as per Section 4 Provision of Funds of the Natural Disaster Arrangements.

Roads and Maritime Services

Level 4, 90 Crown St, Wollongong, NSW 2500 | PO Box 477, Wollongong NSW 2520
T 02 4221 2460

www.rms.nsw.gov.au

Natural Disaster funding is in the form of an **upper limit grant** and only **actual expenditure up to the approved amount** on any item may be claimed. Restoration of the roads and bridge structures is to the equivalent of their pre-damage condition. (Section 5 "Eligible Works" paragraph 1).

Council's Formal Acceptance

Council is requested to formally advise its acceptance of these grants and conditions.

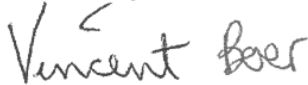
Payments can only be made following Councils formal acceptance of the grants and submission of claims for payment for completed works with an attached summary of completed works. Claims for payment are to be submitted separate for Local Roads/Emergency Response and Regional Roads

Monthly forecasts of the expected monthly rate of expenditure are required for cash flow/budgetary purposes.

Upon completion of work, a Final Certificate of Expenditure and a Detailed Cost Statement will be forwarded to Council. The finalisation documents are to be completed and returned to the Roads and Maritime Services.

If you require further information please contact Vincent Boer on telephone 02 4872 5811 or email Vincent.BOER@rms.nsw.gov.au.

Yours faithfully



Vince Boer
Area Maintenance Manager
encl

Works and Operations - 15 June 2017

ITEM 10.3 **Water and Sewer Update**

FILE REFERENCE I17/263

AUTHOR **Manager of Operations**

ISSUE

An update on water supply and sewerage services.

RECOMMENDATION That -

1. Council receive the report and note the information.

BACKGROUND

Water supply and sewerage services update.

REPORT

Water Treatment and Consumption

Water supply usage data for Council's four serviced towns is presented in the following table.

Table 1 Water Usage

April 2017

Town	Total Usage (ML)	Average Daily Usage (kL/day)	Trend (kL/day)	Storage Capacity %
Crookwell	18.8	627	-121	100
Gunning	10.5	350	-11	100
Dalton	1.7	55	-3	100
Taralga	4.6	153	-5	100

May 2017

Town	Total Usage (ML)	Average Daily Usage (kL/day)	Trend (kL/day)	Storage Capacity %
Crookwell	20.3	655	+28	100
Gunning	11.2	360	+10	100
Dalton	1.9	60	+5	100
Taralga	5.1	164	+11	100

Works and Operations

WATER AND SEWER UPDATE cont'd

Water consumption remains steady consistent with the change in the season. All water storages remain full to capacity.

Routine bacteriological and chemical water tests undertaken at Crookwell, Gunning, Taralga and Dalton town water supplies are continuously meeting the requirements of the Australian Drinking Water Guidelines.

Water systems in the respective towns are operating well.

Wastewater Treatment and Production

Wastewater production data for Council's three serviced towns is presented in the following table.

Table 2 Wastewater Production

April 2017

Towns	Total Flow (ML)	Average Daily Production kL/day	Trend kL/day
Crookwell	25.9	865	-7
Gunning	3.9	130	-1
Taralga	3.4	114	+1

May 2017

Towns	Total Flow (ML)	Average Daily Production kL/day	Trend kL/day
Crookwell	22.4	722	-143
Gunning	3.8	123	-7
Taralga	3.3	105	-9

Wastewater flows are typical for this time of year.

The Crookwell, Gunning and Taralga Sewerage Treatment Plants are operating effectively with effluent quality produced at the respective plants complying with EPA requirements.

Maintenance Activities

Maintenance tasks undertaken include mains flushing, the repair of leaking water services and maintaining and servicing treatment and pumping equipment.

Capital Projects

Crookwell Water Supply Upgrade

Laurie Curran Water is progressing construction of the new Crookwell Water Treatment Plant. The Water Treatment Plant building, incorporating electrical, machine, chemical and amenities rooms is up to the lock up stage. Raw water and clear water tanks have been completed. Mechanical and electrical fit outs are continuing.

Works and Operations

WATER AND SEWER UPDATE cont'd

Work will continue on-site for the next 3 months. The new water system remains on track for commissioning prior to Spring 2017.

These works are part of the \$7M Crookwell Water Supply Upgrade Project, funded by Council's Water Fund reserve and the NSW Governments Restart NSW Fund Water Security for Regions Program.

Gunning Sewer Extension - Grosvenor St Area

Council is awaiting completion of electricity supply to finalise the Sewerage Pumping Station. The electricity is expected to be completed and the system fully operational and ready for connections during July 2017.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

In accordance with 2016/17 Budget.

RECOMMENDATION That -

1. Council receive the report and note the information.

ATTACHMENTS

Nil

Works and Operations - 15 June 2017

ITEM 10.4 **Kialla Creek Bridge on Gullen Flats Road**

FILE REFERENCE **I17/311**

AUTHOR **Manager of Works**

ISSUE

Providing details with respect to the Kialla Creek timber bridge on Gullen Flats Road.

RECOMMENDATION That -

1. Council investigate increasing the current loan limitation that Council has with the Office of Local Government, by \$155,000 and these additional funds be used to replace Kialla Creek Bridge on Gullen Flats Road in the 2017/2018 financial year.

BACKGROUND

Providing details with respect to problems with the Kialla Creek timber bridge on Gullen Flats Road that were identified in a recent bridge inspection.

REPORT

The existing Kialla Creek Bridge on Gullen Flats Road is an aging timber structure of approximately 6m x 4m.

This bridge was not scheduled for a replacement in the current 4 year capital works delivery program as it was deemed in a fair condition in 2013 considering the very low traffic that uses Gullen Flats Road. However during a recent inspection of this bridge it was found that two of the four girders supporting the bridge snapped. The failure was caused by old age and may have been helped by a higher than usual heavy vehicle loading.

It was decided to close the bridge due to safety concerns.

As there is no alternate access to the few properties past the bridge. Council staff have constructed a temporary side track beside the bridge to maintain access. This situation will also allow Council time to evaluate what action it may wish to take regarding replacement of the bridge.

The estimated cost to replace this bridge with a precast concrete box culvert structure is \$155,000. An option to replace the bridge with timber has been considered at an estimated cost of \$50,000 and using recycled components. However, the durability and loading capacity of a timber structure is far less than concrete

Works and Operations

KIALLA CREEK BRIDGE ON GULLEN FLATS ROAD cont'd

POLICY IMPACT

The bridge was to be included in future year's replacement programs

OPTIONS

- a. Do nothing, demolish the timber bridge and maintain the side track – this is unlikely to be readily accepted by the community and the side track will deteriorate during flooding events.
- b. Repair the timber bridge “like for like” and return it to service. This option will lead to eventual replacement of the bridge at a later date and will require regular maintenance.
- c. Replace the bridge with a modern concrete box culvert structure at a similar level and size to the existing structure.

FINANCIAL IMPACT OF RECOMMENDATIONS

Costs associated with the replacement of the bridge have not been included in the 2017/2018 Management Plan.

It is proposed that Council approach the Office of Local Government seeking approval to increase the current loan limit (that has been set at \$531,000 to fund Council's half of the costs for Kiamma Creek Bridge) by \$155,000 to fund this project.

RECOMMENDATION That -

1. Council investigate increasing the current loan limitation that Council has with the Office of Local Government, by \$155,000 and these additional funds be used to replace Kialla Creek Bridge on Gullen Flats Road in the 2017/2018 financial year.

ATTACHMENTS

Nil

Works and Operations - 15 June 2017

ITEM 10.5 Road Maintenance Council Contract

FILE REFERENCE I17/312

AUTHOR Manager of Works

ISSUE

Contractor Performance Report April 2017.

RECOMMENDATION That -

1. Council receives the report and notes the information.

BACKGROUND

Upper Lachlan Shire Council (ULSC) has been engaged through the single invitation contract provisions (RMCC) of the NSW Government's Roads and Maritime Services Authority (RMS) since 2008 to maintain Main Road 54 (MR54) from Goulburn (Auburn Street) through to the Abercrombie River (Shire boundary).

Council's routine activities under the RMCC include general surveillance, litter and debris collection, emergency and incident response, regular grading, sign and guidepost repair, vegetation management, and drainage maintenance.

The RMCC Contract value for the 2016-2017 Financial Year is currently \$449,580 per annum which directly offsets Council's costs for both on ground works and administration.

It is Council's performance under the RMCC which provides the basis for prequalification in major road rehabilitation and refurbishment works along MR54 to include Bitumen Re-Sealing; Drainage/Culvert Re-Construction; Heavy Patching; Vegetation Management and Road Re-Construction.

On the basis of ULSC's performance and following on from the announcement by the then NSW Minister for Roads, the Hon Duncan Gay MLC, construction has significantly progressed on Segment 600 between Tuena and the Abercrombie River. These subordinate yet major projects generate significant income for the ULSC and contribute to a safer driving environment.

REPORT

Under the RMCC, ULSC must meet a range of quality, safety, environmental, and value targets which are reported by the RMS on a quarterly basis.

ULSC has recently received its quarterly (April 2017) Contractor Performance Report which builds upon the significant work previously undertaken by ULSC in improving both the quality of service offered and the relationship with the RMS.

In reviewing the results of the Contractor Performance Report, it is noted there has been sustained improvement across a range of performance indices, and ULSC has been able to continue its overall performance as 'Good' being recommended as suitable for further work under the RMCC.

The Works Section is continuing to implement a range of initiatives and strategies to sustain and potentially improve ULSC's performance in this regard.

POLICY IMPACT

Nil

OPTIONS

Nil


FINANCIAL IMPACT OF RECOMMENDATIONS

In accordance with budget.

RECOMMENDATION That -

1. Council receives the report and notes the information.

ATTACHMENTS

1. 	Contractor Performance Report	Attachment
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Contractor Performance Report



Transport
Roads & Traffic
Authority

General information

Contractor's name Upper Lachlan Shire Council

Trading as As above

ABN No. 81 011 241 552

Contract No. 08.2574.2120

Contract Description

Road Maintenance Council Contracts

At Acceptance of Tender

Contract Period (weeks) 52

Original Due Date for
Practical Completion 30/06/2018

Date of Acceptance of Tender 30/10/2008

Original Contract Sum \$ 329,000

Reason for report

Progress

1 April



1 August



1 December



Final



Key Milestones

Practical
Completion



Finalisation



Continuing Unsatisfactory
Performance



Termination of Contract



Total Extensions of
Time Approved (days) N/A

Extended Date for
Practical Completion N/A

% Work Completed at N/A

Actual Date of
Practical Completion N/A

Contract Sum
as Varied at Report \$ N/A

Overall comments *(Use separate report if necessary)***Reporting Officer***In my opinion:*

Upper Lachlan Council continue perform at a high level enabling them to fulfill their obligations and responsibilities under the RMCC. As stated in the last report , Councils engineering staff have successfully completed contractual issue negotiations with its contractors , backed with the full support of the RMS . Councils staff should be commended on the positive outcomes . The work in upgrading the last gravel segment west of Tuena is on track with over 50% now sealed . Following RMS environmental inspections , Councils is now receiving green inspections reports instead of any number of orange reports previously . This is a very positive result with Councils staff recognizing the significance of good Sediment and Erosion control .

Name: Stephen EdwardsReport Date: 5/6/2017

Signature: _____

Phone: 4221 2426**Reviewing Officer:**I concur ☒ / do not ☐ concur with the Reporting Officer's assessment detailed in the report. *In my opinion:*

Agree with above . Green environment inspection reports are very encouraging .

The report has been forwarded to the Contractor

Yes ☒ / No ☐ *(All reports to be forwarded)*

Recommended for further work

Yes ☒ / No ☐ *(Practical Completion and Finalisation)*

If the recommendation is NO: The unsatisfactory performance aspects have been discussed with

Name: ~~Math Burns~~ Richard HeffernanReview Date: 5/06/2017Phone: 0411 026 982

Response from Contractor Received and report finalised

Yes ☒ / No ☐Name: Phil NewhouseReview Date: 05/06/2017Signature: Phil NewhousePhone: 0409 056 451**Attachments:****Distribution**

1. Contractor's Representative
2. RTA's Representative
3. Manager, Contracts Strategy, Infrastructure Contracts Branch
(Only if the overall performance is unsatisfactory or Contractor not recommended for further work)

Works and Operations - 15 June 2017

ITEM 10.6 **2016/17 Swimming Pool Season**

FILE REFERENCE **I17/317**

AUTHOR **Manager of Operations**

ISSUE

An update on the outcomes of the 2016/17 Swimming Pool Season

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

Nil

REPORT

The 2016/17 Swimming Pool season concluded on 25 March 2017 and was another successful season. Attendance was up considerably at Crookwell mainly due to the continuous warm weather and also the return of the diving board. Gunning attendance was down on last year.

The pools were staffed by one permanent employee and three casuals. The reliable staff, ensured the pools were open throughout the whole season.

Operating expenses rose a little on previous years due to increased prices for chemicals, freight and also wages. There were no major breakdowns or incidents this season.

School bookings were again very popular. This was attributed to the \$1 entry for school children to attend carnivals and swimming lessons. Department of Education continue to conduct their 2 week swim program for primary school children at both Gunning and Crookwell Pools.

At the Crookwell Pool a "Swim & Survive" program was conducted by NSW Government Sport and Recreation for 2 weeks in January which proved very popular. In the past it was carried out over 3 hours each day for 9 days but this season it was extremely popular and it was necessary to run for 5 hours each day. The \$1 entry makes this important program more affordable for families.

A private instructor conducted swimming lessons at the Gunning Pool for an average of 4 hours per week. This was well utilised.

Works and Operations
2016/17 SWIMMING POOL SEASON cont'd

		2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
CROOKWELL POOL	INCOME	\$25,656.09	\$20,467.11	\$17,120.92	\$19,919.12	\$23,450.38
	*EXPENSES	\$132,725.58	\$128,246.93	\$111,351.53	\$125,428.44	\$112,970.43
	ATTENDANCE NO.	11970	11883	9647	10303	12907
	POOL PASSES ISSUED	60	49	43	40	38
GUNNING POOL	INCOME	\$10,587.80	\$9,527.14	\$9,670.92	\$8,960.91	\$9,981.82
	*EXPENSES	\$51,391.52	\$50,212.63	\$47,200.20	\$54,643.64	\$59,047.01
	ATTENDANCE NO.	5006	5338	5003	4641	4054
	POOL PASSES ISSUED	29	28	36	28	24

* NOTE: Depreciation expenses are not included in above Pool expenses.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

In accordance with 2016/17 Budget.

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

Works and Operations - 15 June 2017

ITEM 10.7 **Request from Gunning Roos Inc for the Waiver of Council Fees and Charges.**

FILE REFERENCE **I17/318**

AUTHOR **Director of Works and Operations**

ISSUE

Council has received a request from Gunning Roos (Rugby League) to waive Council water charges and playing fees.

RECOMMENDATION That -

1. Council receive the request and note the information.
2. Council waive 50% of the Gunning Roos water invoice (\$4420.68).
3. Council not waive the Gunning Roos player's fees.

BACKGROUND

Gunning Roos have received invoices from Council for Water charges for the watering of the Gunning Football Field (\$8841.36) and also for playing fees (\$2940.00) the total amount invoiced is \$11781.36.

Earlier in the year, the club had purchased new irrigation equipment and were unfamiliar with the cost of operating the system. After using the system for some time, it became apparent that the system uses a significant amount of water which had a larger than anticipated cost.

REPORT

The Vice President of Gunning Roos has requested that Council waive the fees for the water and also the player fees due to the large amount of work that the club members have carried out to get the ground into the required condition for play.

Council may wish to comply with the Roos' request to waive all or part of the fees as requested.

POLICY IMPACT

Not Applicable

OPTIONS

As above

Works and Operations

**REQUEST FROM GUNNING ROOS INC FOR THE WAIVER OF COUNCIL FEES
AND CHARGES. cont'd**


FINANCIAL IMPACT OF RECOMMENDATIONS

Council has not allocated funds in its budget for this request.

RECOMMENDATION That -

1. Council receive the request and note the information.
2. Council waive 50% of the Gunning Roos water invoice (\$4420.68).
3. Council not waive the Gunning Roos player's fees.

ATTACHMENTS

1. 	Gunning Roos Information	Attachment
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UPPER LACHLAN SHIRE COUNCIL
GUNNING OFFICE
17 MAY 2017
File No:



Gunning Roos Inc.

Upper Lachlan Shire Council
 Attention John Bell
 PO Box 42
 Gunning NSW
 2581

Gunning Roos Inc.
 Vice President Scott Medway
 PO Box 29 Gunning NSW
 2581

12 May 2017.

Regarding: Request for waiver by Gunning Roos Inc. of Water usage Bill for the Gunning Oval.

Attachments

- 1) ULSC Water Usage Bill
- 2) Gunning Oval before improvement
- 3) Approval from ULSC to maintain the oval
- 4) Improved Oval Picture

John;

Thank you for meeting with Vice President Gunning Roos (VPGR) Inc. Mr. Scott Medway regarding the water usage by the Gunning Roos (GR) in the ongoing maintenance of the Gunning Oval.

On behalf of the club I am seeking the Councils waiver and exemption from this bill. The Roos feel that they have taken significant financial pressure off the ULSC as a result of our undertaking ongoing maintenance and upgrades to the oval.

To have a safe playing surface for the Roos and other grounds users that meet the standards required of the Country Rugby League and other Sporting bodies the grounds need to be watered.

Since the ULSC approval (Attachment 3) dated 02 Jan 2017. for the Roos to conduct maintenance of the oval and grounds we have spent in man hours, donated machinery, fuel and donated goods (Fill, fertilizer etc.) in excess of \$27 450. If required we can provide receipts to validate these expenses.

The works and improvements we have undertaken to date are as follows:

- a) Remove the unsafe playing area from the oval
- b) Replace with high quality clean soil
- c) Top dress entire oval area
- d) Scarify, level and core
- e) Fertilise, gypsum and seed

We have also invested some \$4500 on an upgraded watering system to maintain the playing surface to the standards required which can be used to water the entire grounds if required. We acknowledge the generous assistance of the Council in moving the watering point to save dragging pipes across the trotting track.

In relation to my conversation with Mr. Phil Newham and yourself, it was suggested at this meeting that in recognition of the significant efforts of the Gunning Roos the Council may also waive the playing fees of \$2940 per year.

On behalf of the Club I would also like to extend my personal apologies for the delay in responding due to unforeseen work demands and family commitments.

We thank you for the consideration of this matter and if required I am happy to attend a council meeting to present our case to council.

Yours sincerely



Scott Medway
Vice President Gunning Roos Inc.
0499 451 034



UPPER LACHLAN SHIRE COUNCIL

Water Account

PO Box 42, Gunning NSW 2581
 Phone: (02) 4541 1000
 Fax: (02) 4541 2080
 Email: info@upperlachlan.nsw.gov.au
 Website: www.upperlachlan.nsw.gov.au
 Payment of rates can be made in person at the Council Office or by cheque to the Council Office at 44 Copeland Street, Gunning NSW 2581.

Upper Lachlan Shire Council
 PO Box 42
 GUNNING NSW 2581

Issue Date: 06/03/2017
 Account No: 6903
 Due Date: 03/04/2017

019

Property Location and Description

Copeland Street GUNNING NSW 2581
 Lot: 7009 DP: 94454

Water Usage at Gunning Showground

Details of Water Consumption

Meter Number	Previous Read Date	Previous Reading	Current Read Date	Current Reading	Consumption (Kilolitres)
15002946	28/10/2016	1806	28/02/2017	4170	2364

Charge Details
 Kls @ dollars/Kl
 2364 3.74

Charge for Current Consumption	\$8,841.36
Arrears Owing	\$0.00
Total Due	\$8,841.36
Date Due	03/04/2017



Bill Code: 939181
 Ref: 069039

Please see reverse for payment options



UPPER LACHLAN SHIRE COUNCIL

Water Account



Bill Code: 939181
 Ref: 069039



Bill Code: 2176
 Ref: 6903 9

Pay in person at any post office,
 phone 13 18 16 or go to
postbillpay.com.au



*2176 69039

Upper Lachlan Shire Council
 Due Date: 03/04/2017
 Account No: 6903
 Total Due: \$ 8,841.36

11 FINANCE AND ADMINISTRATION

The following items are submitted for consideration -

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Finance and Administration - 15 June 2017

ITEM 11.1 **Investments for the month of May 2017**

FILE REFERENCE **I17/280**

AUTHOR **Manager of Finance and Administration**

ISSUE

Council Investment Portfolio Register as at 31 May 2017.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

A schedule of the investment portfolio register and summary of available cash by fund as at 31 May 2017 is provided as information to Council.

REPORT

Investments to 31 May 2017

Investment Institution	Type	Investment Face Value	Interest Rate	Term Days	Maturity Date	Interest Due
CBA	Call	\$1,200,000	1.45%	N/A	31-05-17	\$1,791.64
Bank of Qld	TD	\$600,000	2.80%	350	02-08-17	\$16,109.59
Bank of Qld	TD	\$800,000	2.50%	89	21-08-17	\$4,876.71
Bank of Qld	TD	\$900,000	2.65%	215	18-10-17	\$14,048.63
Bank of Qld	TD	\$1,000,000	2.65%	229	25-10-17	\$16,626.03
Bank of Qld	TD	\$1,000,000	2.75%	364	31-01-18	\$27,424.66
Bankwest	TD	\$800,000	2.50%	98	07-06-17	\$5,369.86
Bankwest	TD	\$900,000	2.45%	84	21-06-17	\$5,074.52
Bankwest	TD	\$700,000	2.50%	77	21-06-17	\$3,691.78
Bankwest	TD	\$800,000	2.55%	112	12-07-17	\$6,259.73
Bankwest	TD	\$1,500,000	2.50%	84	23-08-17	\$8,630.14
Bendigo Bank	TD	\$1,200,000	2.70%	364	16-08-17	\$32,311.23
Bendigo Bank	TD	\$1,000,000	2.50%	182	23-08-17	\$12,465.75
Bendigo Bank	TD	\$700,000	2.75%	364	30-08-17	\$19,197.26

Finance and Administration**INVESTMENTS FOR THE MONTH OF MAY 2017 cont'd**

Bendigo Bank	TD	\$800,000	2.70%	364	20-09-17	\$21,540.82
Bendigo Bank	TD	\$600,000	2.50%	189	01-11-17	\$7,767.12
Bendigo Bank	TD	\$500,000	2.70%	364	29-11-17	\$13,463.01
IMB	TD	\$900,000	2.55%	98	14-06-17	\$6,161.92
IMB	TD	\$1,000,000	2.50%	223	05-07-17	\$15,273.97
IMB	TD	\$900,000	2.35%	84	26-07-17	\$4,867.40
IMB	TD	\$1,300,000	2.55%	84	23-08-17	\$7,629.04
IMB	TD	\$500,000	2.60%	182	30-08-17	\$6,482.19
IMB	TD	\$500,000	2.60%	180	30-08-17	\$6,410.96
NAB	TD	\$500,000	2.89%	364	28-06-17	\$14,410.41
NAB	TD	\$1,400,000	2.46%	84	09-08-17	\$7,925.92
NAB	TD	\$800,000	2.59%	182	11-10-17	\$10,331.62
NAB	TD	\$500,000	2.80%	366	10-11-17	\$14,038.36
NAB	TD	\$1,100,000	2.80%	364	22-11-17	\$30,715.62
Westpac	TD	\$400,000	2.47%	364	18-08-17	\$9,852.93
Westpac	TD	\$800,000	2.50%	182	20-09-17	\$9,972.60
Westpac	TD	\$500,000	2.51%	365	27-04-18	\$12,550.00
		\$26,100,000				\$373,271.42

COUNCIL INVESTMENT PERFORMANCE: -**BUDGET COMPARISON TO 31 MAY 2017**

Interest on Investments Received YTD	\$621,241
Annual budgeted amount for all funds	\$567,900
Percentage of Interest Received YTD	109.39%
Percentage of Year Elapsed	91.78%

BBSW COMPARISON TO 31 MAY 2017

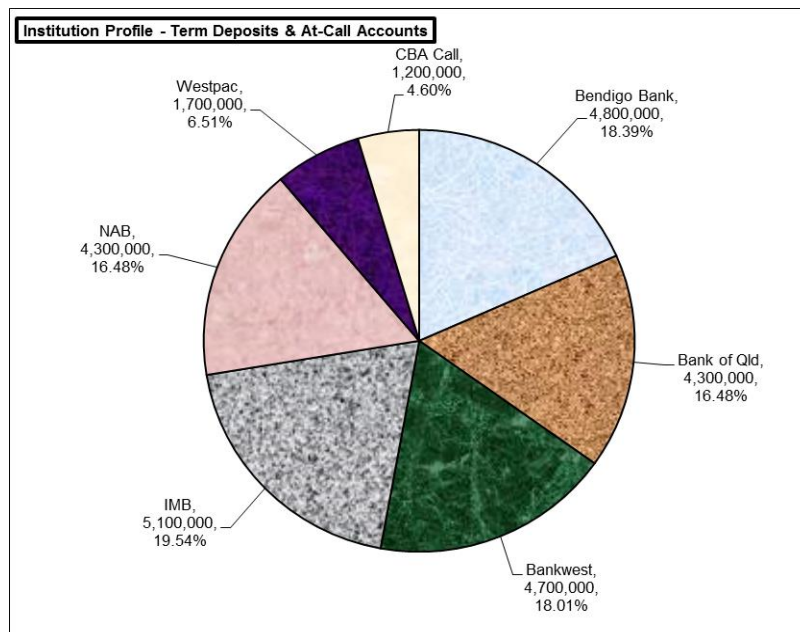
Average market interest rate (90 day BBSW)	1.83%
Average return on all investments	2.65%

The above investments have been made in accordance with Section 625, of the Local Government Act 1993, the Local Government Regulations, the Ministerial Investment Order and the Council's Investment Policy.

INVESTMENTS FINANCIAL INSTITUTION PROFILE AS AT 31 MAY 2017

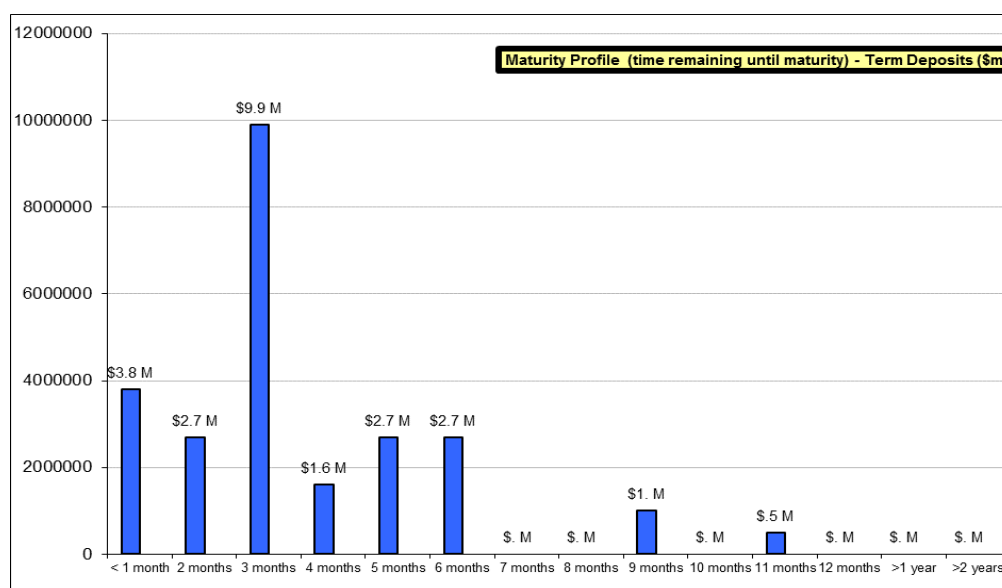
The following chart shows the current distribution of Council's investment portfolio between the authorised financial institutions used. The current distribution of funds between institutions complies with Council's Investment Policy which states:-

"The maximum percentage that may be held in term deposits with any one financial institution is 25% of the portfolio, and the maximum to be held in at-call accounts be no more than 15%."



INVESTMENTS - MATURITY PROFILE AS AT 31 MAY 2017

The following chart illustrates the maturity profile of Council's investment portfolio showing the amount of time remaining until current term deposits mature. This demonstrates that Council's investing activities should meet future cash flow requirements.



TOTAL INVESTMENTS: -

INVESTMENTS BY FUND (INCLUDES RESTRICTED AND UNRESTRICTED CASH): -

General Fund Reserves	\$ 18,143,818.56
Water Supply Fund Reserves	\$ 2,235,768.18
Sewerage Fund Reserves	\$ 3,717,729.96
Domestic Waste Management Fund Reserves	\$ 1,972,277.31
Trust Fund Reserves	\$ 30,405.99

POLICY IMPACT

Investments are in accordance with Council's Investment Policy and Strategy.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

Finance and Administration - 15 June 2017

ITEM 11.2 **Rates and Charges Outstanding for the month of May 2017**

FILE REFERENCE **I17/278**

AUTHOR **Director of Finance and Administration**

ISSUE

Rates and Charges 2016/2017 Outstanding Report as at 31 May 2017.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

Summary report of Rates and Charges outstanding at 31 May 2017 is detailed.

REPORT

The 2016/2017 financial year comparison to previous financial years for the rates and charges outstanding is highlighted in the below table as at 31 May 2017:-

Description	31/05/2017	31/05/2016	31/05/2015
Total % Rates and Charges Outstanding	7.48%	5.39%	5.14%
Total \$ Amount Rates and Charges Outstanding	\$813,049	\$571,184	\$531,249

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

1. ↓	Rate Collection Year - June 2017	Attachment
----------------------	----------------------------------	------------

Rate Collection 2017 Year

Rating Categories	Levy Raised to date	Rates Received to 2 June 2017	Rates Outstanding to 2 June 2017	% Rates Outstanding 2 June 2017
Farmland	4,724,121.30	4,424,923.01	299,198.29	6.33%
Residential	1,145,261.47	1,017,487.55	127,773.92	11.16%
Rural Residential	611,389.22	548,369.76	63,019.46	10.31%
Business	285,004.53	240,574.68	44,429.85	15.59%
Mining	2,978.03	2,978.03	-	0.00%
Water	851,760.00	773,275.78	78,484.22	9.21%
Sewerage	1,352,957.23	1,228,478.60	124,478.63	9.20%
Domestic & Comm Waste	1,046,714.14	951,171.07	95,543.07	9.13%
Rural Waste	564,409.60	514,042.82	50,366.78	8.92%
Storm Water	45,383.14	40,945.28	4,437.86	9.78%
**Arrears	239,837.31	195,755.33	44,081.98	18.38%
Credits		118,764.79	-118,764.79	0.00%
Overall Total Rates	10,869,815.97	10,056,766.70	813,049.27	7.48%

Prepared by Plowley Date 5/6/17
 Authorised by Andrew J. Cretak Date 5/6/2017

I:\2016-2017\Rates\Recs\%outst_May 31-2017

Finance and Administration - 15 June 2017

ITEM 11.3 **Integrated Planning and Reporting - Adoption of 2017/2018 Council Plans**

FILE REFERENCE **I17/272**

AUTHOR **Director of Finance and Administration**

ISSUE

Adoption of Upper Lachlan Shire Council's Strategic Plans, Revenue Policy and making of rates and charges in accordance with the Integrated Planning and Reporting legislation.

RECOMMENDATION That -

1. Council, in accordance with the Integrated Planning and Reporting legislative requirements, in Sections 8A-8C and Sections 403-406, of the Local Government Act 1993 and requirements of the Local Government Amendment (Governance and Planning) Act 2016 resolve to adopt the following Strategic Plans:-
 1. Operational Plan 2017/2018;
 2. Delivery Program 2017/2018 – 2020/2021;
 3. Long Term Financial Plan 2017-2026;
 4. Infrastructure Plan 2017-2026;
 5. Workforce Plan 2017/2018 – 2020/2021;
 6. Social and Community Plan 2013-2018.
2. Council approves expenditure and votes money according to the integrated financial budget contained within Council's 2017/2018 Operational Plan.
3. Council make the Revenue Policy, including Fees and Charges, and operational and capital budget as outlined in the 2017/2018 Operational Plan. The net consolidated operating result is a budget surplus, before capital grants and contributions, totalling \$673,912.
4. Council in accordance with Section 506, of the Local Government Act 1993, and the Office of Local Government advice, and in accordance with the Independent Pricing and Regulatory Tribunal of NSW determination, hereby adopt a 1.50% permissible Ordinary (General) Rates Increase for 2017/2018.
5. Council in accordance with Section 566 (3), of the Local Government Act 1993, hereby resolves that the Interest Rate to apply for 2017/2018 to all overdue Rates and Charges be calculated at the maximum permissible Interest Rate of 7.50%, calculated on a daily basis, as determined by the Office of Local Government.
6. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0029064 for Farmland Rating Category inclusive of a Base Amount of \$370.00 per Assessment being 21% of the total amount payable for land categorised as

Farmland, for the year 2017/2018.

7. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0036124 for the Residential Rating Category inclusive of a Base Amount of \$230.00 per Assessment being 42% of the total amount payable for land categorised as Residential, for the year 2017/2018.
8. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0032200 for the Residential – Non Urban Rating Category inclusive of a Base Amount of \$230.00 per Assessment being 34% of the total amount payable for land categorised as Residential – Non Urban, for the year 2017/2018.
9. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0094000 for the Business – Crookwell Rating Category inclusive of a Base Amount of \$230.00 per Assessment being 26% of the total amount payable for land categorised as Business - Crookwell, for the year 2017/2018.
10. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0064000 for the Business – Gunning Rating Category inclusive of the Base Amount of \$230.00 per Assessment being 35% of the total amount payable for land categorised as Business – Gunning for the year 2017/2018.
11. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0064000 for the Business – Taralga Rating Category inclusive of the Base Amount of \$230.00 per Assessment being 34% of the total amount payable for land categorised as Business – Taralga for the year 2017/2018.
12. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0265000 for the Business – General Rating Category inclusive of the Base Amount of \$230.00 per Assessment being 7% of the total amount payable for land categorised as Business – General for the year 2017/2018.
13. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0080900 for the Mining Rating Category inclusive of the Base Amount of \$230.00 per Assessment being 13% of the total amount payable for land categorised as Mining for the year 2017/2018.
14. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Water Supply Annual Charge subject to a Water Access Fee of \$426.00 and a Water Availability Charge of \$426.00, for the year 2017/2018.

15. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Water Supply Annual Charge subject to a Water Access Fee of \$426.00 and a Water Availability Charge of \$426.00, for the year 2017/2018.
16. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Dalton Water Supply Annual Charge subject to a Water Access Fee of \$426.00 and a Water Availability Charge of \$426.00, for the year 2017/2018.
17. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Water Supply Annual Charge subject to a Water Access Fee of \$426.00 and a Water Availability Charge of \$426.00, for the year 2017/2018.
18. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewerage Supply Access Charge of \$764.00 per Assessment categorised as Residential Occupied and an Access Charge of \$501.00 for Residential Unoccupied, for the year 2017/2018.
19. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Non-Residential and Business of \$764.00, a Sewerage Discharge Factor of 0.77 and a Usage Charge of \$2.89, for the year 2017/2018.
20. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Churches / Schools / Hospitals / Nursing Homes and Parks of \$764.00, a Sewerage Discharge Factor of 0.50 and a Usage Charge \$2.89, for the year 2017/2018.
21. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Commercial of \$764.00, a Sewerage Discharge Factor of 0.60 and a Usage Charge of \$2.89, for the year 2017/2018.
22. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Sewerage Supply Access Charge of \$764.00 per Assessment categorised as Residential Occupied and an Access Charge of \$501.00 for Residential Unoccupied, for the year 2017/2018.
23. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Commercial of \$764.00, a Sewerage Discharge Factor of 0.60 and a Usage Charge of \$2.89, for the year 2017/2018.

Finance and Administration

INTEGRATED PLANNING AND REPORTING - ADOPTION OF 2017/2018 COUNCIL PLANS cont'd

24. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Non-Residential and Business of \$764.00, a Sewerage Discharge Factor of 0.77 and a Usage Charge of \$2.89, for the year 2017/2018.
25. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), 501 and 552, Council make a Crookwell Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Churches / Schools / Hospitals / Nursing Homes and Parks of \$764.00, a Sewerage Discharge Factor of 0.50 and a Usage Charge of \$2.89, for the year 2017/2018.
26. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Sewerage Supply Access Charge of \$764.00 per Assessment categorised as Residential Occupied and an Access Charge of \$501.00 for Residential Unoccupied, for the year 2017/2018.
27. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Non-Residential and Business of \$764.00, a Sewerage Discharge Factor of 0.77 and a Usage Charge of \$2.89, for the year 2017/2018.
28. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Commercial of \$764.00, a Sewerage Discharge Factor of 0.60 and a Usage Charge of \$2.89, for the year 2017/2018.
29. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), 501 and 552, Council make a Taralga Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Churches / Schools / Hospitals / Nursing Homes and Parks of \$764.00, a Sewerage Discharge Factor of 0.50 and a Usage Charge of \$2.89, for the year 2017/2018.
30. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496, Council make a shire wide Domestic Waste Management Service Charge of \$434.00 per service for the year 2017/2018.
31. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496, Council make a shire wide Domestic Waste Management Availability Charge of \$170.00 per Rateable Assessment. This annual charge is for each vacant property that is categorised as Residential and is in the pickup service area, for the year 2017/2018.
32. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 501, Council make a Commercial Waste Service Charge of \$514.00 per service for each rateable Assessment categorised as Business – Gunning, Business – Taralga and Business – Crookwell, for the year 2017/2018.

33. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1) and 501, Council make a Commercial Waste Availability Charge of \$170.00 per Assessment for Rateable Assessments categorised as Business – Gunning, Business – Taralga and Business – Crookwell, for the year 2017/2018.
34. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1) and 501, Council make a Rural Waste Annual Charge of \$187.00 per Rateable Assessment categorised as Farmland, Residential – Non Urban, and Residential, for properties that do not have a Domestic Waste Management Charge and do not have a Domestic Waste Management Availability Charge for the year 2017/2018.
35. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496A, Council make a Stormwater Management Annual Charge for the towns of Taralga, Crookwell, Gunning and Collector of \$25.00 per Rateable Assessment categorised as Residential, for the year 2017/2018.
36. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496A, Council make a Stormwater Management Annual Charge for the towns of Taralga, Crookwell, Gunning, and Collector of \$50.00 per Rateable Assessment categorised as Business – Gunning, Business – Taralga, and Business – Crookwell, for the year 2017/2018.
37. Under the Local Government Act 1993, pursuant to Section 502, Council make a Water Supply User Pay Consumption Charge for the towns of Taralga, Crookwell, Gunning and Dalton. The charge Tariff 1 - \$2.89 per kilolitre consumed up to a maximum of 200 kilolitres and charge for Tariff 2 - \$3.83 per kilolitre consumed above 200 kilolitres, for the year 2017/2018.

BACKGROUND

In adopting the strategic plans Council give consideration to public submissions received from the community following the period of public exhibition.

Note: The Tablelands Regional Community Strategic Plan 2016-2036 has been adopted by Upper Lachlan Shire Council in accordance with Section 402, of the Local Government Act 1993, and takes effect on 1 July 2017.

REPORT

In accordance with NSW State Government Integrated Planning and Reporting requirements, provisions in Section 403 to 406, of the Local Government Act 1993, Council has prepared the 2017/2018 suite of strategic plans.

The following Plans have been prepared and were placed on public exhibition in accordance with the requirements of the Local Government Act 1993 (as amended):-

1. **Resource Strategy** in accordance with Section 403, of the Local Government Act 1993, contains the following:-

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INTEGRATED PLANNING AND REPORTING - ADOPTION OF 2017/2018 COUNCIL PLANS cont'd

- Long Term Financial Plan 2017-2026;
 - Infrastructure Plan 2017-2026; and
 - Workforce Plan 2017/2018 – 2020/2021.
2. **Delivery Program 2017/2018 – 2020/2021** (four year program and budget) – Section 404, of the Local Government Act 1993;
 3. **Operational Plan 2017/2018** (one year plan and budget contains the Fees and Charges and Revenue Policy) – Section 405, of the Local Government Act 1993; and
 4. **Social and Community Plan 2013-2018.**

The Integrated Plans were placed on public exhibition for a five week period. There were public notices in the Crookwell Gazette and Goulburn Post newspapers, numerous media releases in the Voice newsletter, Gunning Lions Club and Taralga newsletters, available for viewing at three Shire offices, two libraries and available on Council's website.

Council facilitated Community Outreach Meetings and there were 94 people who participated at those meetings. Notes and questions from these meetings were minuted and operational matters handled directly by senior management.

Locality	Meeting Date	Meeting Venue	Attendance
Crookwell	26 April 2017	Crookwell Council Chambers	24
Taralga	3 May 2017	Taralga Masonic Hall	22
Gunning	10 May 2017	Gunning Council Chambers	15
Bigga	17 May 2017	Bigga Golf Club	33

There were zero public submissions received with respect to Council's integrated strategic plans. Council has already considered 90 pre-plan budget submissions lodged prior to advertising the draft strategic plans at the Councillor Budget Workshop held on 20 March 2017.

There are amendments made to the advertised draft strategic plans since the public exhibition period concluded on 24 May 2017. Changes included are as follows:-

Operating Income and Expenditure in 2017/2018

1. Financial Assistance Grants Indexation of roads component increases operating grant income by \$25,512
2. Gunning Library (extended opening hours each Saturday 10am-12pm) increases expenses by \$7,520.
3. Ordinary rates and charges income increase of \$13,932.
4. Other minor accumulated expense variation increases totalling \$5,000.

Capital Income and Expenditure in 2017/2018

1. Colyer Street, Crookwell, kerb and gutter expense - \$50,000 in each of the 4 years (\$200,000 in total from 2017/2018 to 2020/2021).
2. Roads Black Spot Program \$238,063 on MR256 Taralga Road at Tarlo (corresponding capital income fully funded by the Federal Government).
3. Roads Black Spot Program \$186,110 on MR258 Wombeyan Caves Road (near Mares Forest Road (capital income fully funded by the Federal Government)).

2017/2018 Operational Plan Summary

The Operational Plan outlines the key performance indicators, principal activities and major capital works projects. An outline of the Revenue Policy is as follows:-

- General (Ordinary) Rates will increase by 1.50%, however the dollar value increases will vary within each individual rating category;
- Domestic Waste Management Annual Charge will increase by 4% or \$17 per service;
- Commercial Waste Annual Charge will increase by 4%, or \$20 per service;
- Rural Waste Annual Charge will increase by 4%, or \$7.70 per Assessment;
- Water Supply Access Charge and Water Availability Charge will increase by 1.50% or a \$6 per Assessment;
- Water usage (consumption) charge will increase by 2.50%, dollar value increases will vary for each individual service dependent upon water consumption;
- Sewerage Best Practice Pricing Access Charges will increase by 1.50% or a \$12 per Assessment increase; and
- Stormwater Annual Charges will have a zero increase.

In accordance with Section 535, of the Local Government Act 1993, Rates and Charges are required to be made by resolution of Council. The Fire and Emergency Services Levy has now been deferred by the State Government and all references to the levy are removed from the Council's Operational Plan.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

The 2017/2018 Operational Plan projects a consolidated net operating result budget surplus, before capital grants and contributions, totalling \$673,912. There is a total consolidated cash flow deficit projected of \$2.1 million.

RECOMMENDATION That -

1. Council, in accordance with the Integrated Planning and Reporting legislative requirements, in Sections 8A-8C and Sections 403-406, of the Local Government Act 1993 and requirements of the Local Government Amendment (Governance and Planning) Act 2016 resolve to adopt the following Strategic Plans:-
 1. Operational Plan 2017/2018;
 2. Delivery Program 2017/2018 – 2020/2021;
 3. Long Term Financial Plan 2017-2026;
 4. Infrastructure Plan 2017-2026;
 5. Workforce Plan 2017/2018 – 2020/2021;
 6. Social and Community Plan 2013-2018.
2. Council approves expenditure and votes money according to the integrated financial budget contained within Council's 2017/2018 Operational Plan.
3. Council make the Revenue Policy, including Fees and Charges, and operational and capital budget as outlined in the 2017/2018 Operational Plan. The net consolidated operating result is a budget surplus, before capital grants and contributions, totalling \$673,912.
4. Council in accordance with Section 506, of the Local Government Act 1993, and the Office of Local Government advice, and in accordance with the Independent Pricing and Regulatory Tribunal of NSW determination, hereby adopt a 1.50% permissible Ordinary (General) Rates Increase for 2017/2018.
5. Council in accordance with Section 566 (3), of the Local Government Act 1993, hereby resolves that the Interest Rate to apply for 2017/2018 to all overdue Rates and Charges be calculated at the maximum permissible Interest Rate of 7.50%, calculated on a daily basis, as determined by the Office of Local Government.
6. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0029064 for Farmland Rating Category inclusive of a Base Amount of \$370.00 per Assessment being 21% of the total amount payable for land categorised as Farmland, for the year 2017/2018.
7. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0036124 for the Residential Rating Category inclusive of a Base Amount of \$230.00 per Assessment being 42% of the total amount payable for land categorised as Residential, for the year 2017/2018.

8. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0032200 for the Residential – Non Urban Rating Category inclusive of a Base Amount of \$230.00 per Assessment being 34% of the total amount payable for land categorised as Residential – Non Urban, for the year 2017/2018.
9. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0094000 for the Business – Crookwell Rating Category inclusive of a Base Amount of \$230.00 per Assessment being 26% of the total amount payable for land categorised as Business - Crookwell, for the year 2017/2018.
10. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0064000 for the Business – Gunning Rating Category inclusive of the Base Amount of \$230.00 per Assessment being 35% of the total amount payable for land categorised as Business – Gunning for the year 2017/2018.
11. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0064000 for the Business – Taralga Rating Category inclusive of the Base Amount of \$230.00 per Assessment being 34% of the total amount payable for land categorised as Business – Taralga for the year 2017/2018.
12. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0265000 for the Business – General Rating Category inclusive of the Base Amount of \$230.00 per Assessment being 7% of the total amount payable for land categorised as Business – General for the year 2017/2018.
13. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0080900 for the Mining Rating Category inclusive of the Base Amount of \$230.00 per Assessment being 13% of the total amount payable for land categorised as Mining for the year 2017/2018.
14. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Water Supply Annual Charge subject to a Water Access Fee of \$426.00 and a Water Availability Charge of \$426.00, for the year 2017/2018.
15. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Water Supply Annual Charge subject to a Water Access Fee of \$426.00 and a Water Availability Charge of \$426.00, for the year 2017/2018.
16. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Dalton Water Supply Annual Charge subject to a Water Access Fee of \$426.00 and a Water Availability Charge of \$426.00, for the year 2017/2018.

17. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Water Supply Annual Charge subject to a Water Access Fee of \$426.00 and a Water Availability Charge of \$426.00, for the year 2017/2018.
18. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewerage Supply Access Charge of \$764.00 per Assessment categorised as Residential Occupied and an Access Charge of \$501.00 for Residential Unoccupied, for the year 2017/2018.
19. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Non-Residential and Business of \$764.00, a Sewerage Discharge Factor of 0.77 and a Usage Charge of \$2.89, for the year 2017/2018.
20. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Churches / Schools / Hospitals / Nursing Homes and Parks of \$764.00, a Sewerage Discharge Factor of 0.50 and a Usage Charge \$2.89, for the year 2017/2018.
21. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Commercial of \$764.00, a Sewerage Discharge Factor of 0.60 and a Usage Charge of \$2.89, for the year 2017/2018.
22. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Sewerage Supply Access Charge of \$764.00 per Assessment categorised as Residential Occupied and an Access Charge of \$501.00 for Residential Unoccupied, for the year 2017/2018.
23. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Commercial of \$764.00, a Sewerage Discharge Factor of 0.60 and a Usage Charge of \$2.89, for the year 2017/2018.
24. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Non-Residential and Business of \$764.00, a Sewerage Discharge Factor of 0.77 and a Usage Charge of \$2.89, for the year 2017/2018.
25. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), 501 and 552, Council make a Crookwell Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Churches / Schools / Hospitals / Nursing Homes and Parks of \$764.00, a Sewerage Discharge Factor of 0.50 and a Usage Charge of \$2.89, for the year 2017/2018.

26. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Sewerage Supply Access Charge of \$764.00 per Assessment categorised as Residential Occupied and an Access Charge of \$501.00 for Residential Unoccupied, for the year 2017/2018.
27. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Non-Residential and Business of \$764.00, a Sewerage Discharge Factor of 0.77 and a Usage Charge of \$2.89, for the year 2017/2018.
28. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Commercial of \$764.00, a Sewerage Discharge Factor of 0.60 and a Usage Charge of \$2.89, for the year 2017/2018.
29. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), 501 and 552, Council make a Taralga Sewerage Supply Best Practice Pricing Access Charge per Assessment categorised as Churches / Schools / Hospitals / Nursing Homes and Parks of \$764.00, a Sewerage Discharge Factor of 0.50 and a Usage Charge of \$2.89, for the year 2017/2018.
30. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496, Council make a shire wide Domestic Waste Management Service Charge of \$434.00 per service for the year 2017/2018.
31. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496, Council make a shire wide Domestic Waste Management Availability Charge of \$170.00 per Rateable Assessment. This annual charge is for each vacant property that is categorised as Residential and is in the pickup service area, for the year 2017/2018.
32. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 501, Council make a Commercial Waste Service Charge of \$514.00 per service for each rateable Assessment categorised as Business – Gunning, Business – Taralga and Business – Crookwell, for the year 2017/2018.
33. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1) and 501, Council make a Commercial Waste Availability Charge of \$170.00 per Assessment for Rateable Assessments categorised as Business – Gunning, Business – Taralga and Business – Crookwell, for the year 2017/2018.
34. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1) and 501, Council make a Rural Waste Annual Charge of \$187.00 per Rateable Assessment categorised as Farmland, Residential – Non Urban, and Residential, for properties that do not have a Domestic Waste Management Charge and do not have a Domestic Waste Management Availability Charge for the year 2017/2018.

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35. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496A, Council make a Stormwater Management Annual Charge for the towns of Taralga, Crookwell, Gunning and Collector of \$25.00 per Rateable Assessment categorised as Residential, for the year 2017/2018.
36. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496A, Council make a Stormwater Management Annual Charge for the towns of Taralga, Crookwell, Gunning, and Collector of \$50.00 per Rateable Assessment categorised as Business – Gunning, Business – Taralga, and Business – Crookwell, for the year 2017/2018.
37. Under the Local Government Act 1993, pursuant to Section 502, Council make a Water Supply User Pay Consumption Charge for the towns of Taralga, Crookwell, Gunning and Dalton. The charge Tariff 1 - \$2.89 per kilolitre consumed up to a maximum of 200 kilolitres and charge for Tariff 2 - \$3.83 per kilolitre consumed above 200 kilolitres, for the year 2017/2018.

ATTACHMENTS

1. ↗	Operational Plan 2017/2018	Appendix
2. ↗	Long Term Financial Plan - 2017-2026	Appendix
3. ↗	Workforce Plan - 2017/2018 - 2020/2021	Appendix
4. ↗	Delivery Program - 2017/2018 - 2020/2021	Appendix
5. ↗	Infrastructure Plan 2017 - 2026	Appendix
6. ↗	Social and Community Plan 2013-2018	Appendix

Finance and Administration - 15 June 2017

ITEM 11.4 **Privacy Policy**

FILE REFERENCE **I17/285**

AUTHOR **Director of Finance and Administration**

ISSUE

Review of the Upper Lachlan Shire Council Privacy Policy.

RECOMMENDATION That -

1. Council adopts the reviewed Privacy Policy.

BACKGROUND

Nil

REPORT

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
Resolution Number:	438/10 and 103/13
Current Policy adopted by Council:	15 June 2017
Resolution Number:	XXX/17
Next Policy Review Date:	2020

PROCEDURES/GUIDELINES:-	
Date procedure / guideline was	N/A

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PRIVACY POLICY cont'd

developed:	
Procedure/guideline number:	reference N/A

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

1. APPLICATION

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 or opinion 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.

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. They cover the collection, storage, use and disclosure of personal information as well as access and correction rights.

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. GENERAL PRINCIPLES

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. Accordingly, 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*):

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 directly related 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 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 or health information is stored securely, not kept any longer than necessary, and disposed of appropriately;
- (b) Personal or Health information will be protected from unauthorised access, use or disclosure.

4.3 Access and Accuracy

- (a) Council will explain to the individual what personal or health information about them is being stored, why it is being used and any rights they have to access it;
- (b) Council will allow people to access their personal or health information without unreasonable delay or expense;
- (c) Council will allow people to update, correct or amend their personal or health 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 generally only use personal or health information for the purpose for which it was collected, or a directly related purpose that the person would expect;
- (b) Should Council wish to use personal or health information for a purpose other than that for which it was collected, it will seek the consent of the individual where reasonably practicable.

4.5 Disclosure

- (a) Council will generally only disclose personal or health information for the purpose for which it was collected, or a directly related purpose that the individual would expect;
- (b) 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 Identifiers and Anonymity

- (a) In using health information, Council will only identify individuals by using unique identifiers if it is reasonably necessary to carry out its functions efficiently;
- (b) Council will give individuals the option of receiving health services from it anonymously, where this is lawful and practicable.

4.7 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;

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 Director of Finance and Administration. 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*.

6. MAKING A COMPLAINT

Administrative Decisions Tribunal,
Level 10, John Maddison Tower, 86-90 Goulburn Street, Sydney NSW 2000.
or Telephone: (02) 9377 5711, Fax: (02) 9377 5723

Information about the ADT is available on the following website:
http://www.adt.lawlink.nsw.gov.au/adt/administrative_contactus.html

- Complainants have the right to seek advice from, or make a complaint to, the Privacy Commissioner. The Privacy Commissioner can be contacted at:

NSW Privacy Commissioner,
GPO Box 7011, Sydney NSW 2001.
Telephone: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au

Information about how to make a complaint is available on the Privacy NSW website which can be found at:
http://www.ipc.nsw.gov.au/privacy/ipc_contactus.html

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.

10. ASSOCIATED LEGISLATION, COUNCIL POLICIES & DOCUMENTS

1. Anti Discrimination Act 1977;
2. Companion Animals Act 1998;
3. Environmental Planning and Assessment (EPA) Act 1979;
4. Fair Work Act 2009;
5. Government Information (Public Access) Regulation 2009;
6. Government Information (Public Access) Act 2009;
7. Government Information (Public Access) Amendment Act 2012;
8. Health Records and Information Privacy Act 2002;
9. Independent Commission against Corruption Act 1988;
10. Industrial Relations Act 1996;
11. Local Government Act 1993;
12. Local Government (General) Regulations 2005;
13. Local Government Amendment (Governance and Planning) Act 2016;
14. Public Interest Disclosures Act 1994;
15. Privacy and Personal Information Protection Act 1998;
16. State Records Act 1998;
17. Work Health and Safety Act 2011 and Regulations;
18. Local Government (State) Award 2014;
19. Government Information (Public Access) Policy;
20. Privacy Management Plan;
21. Records Management Policy;
22. Code of Conduct for Councillors, staff and delegates of Council;
23. Complaints Management Policy;
24. Grievance Policy;
25. Disciplinary Policy;
26. Service Delivery Policy;
27. Public Interest Disclosures - Internal Reporting Policy;

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PRIVACY POLICY cont'd

28. Fraud and Corruption Prevention Policy; and
29. Any other relevant legislation and guidelines as applicable.

11. VARIATION

Council reserves the right to vary or revoke this policy.

POLICY IMPACT

Review of an existing Council policy.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council adopts the reviewed Privacy Policy.

ATTACHMENTS

Nil

Finance and Administration - 15 June 2017

ITEM 11.5 **Privacy Management Plan**

FILE REFERENCE **I17/286**

AUTHOR **Director of Finance and Administration**

ISSUE

Review of Upper Lachlan Shire Council's Privacy Management Plan.

RECOMMENDATION That -

1. Council adopts the reviewed Privacy Management Plan.

BACKGROUND

Nil

REPORT

Management Plan Title:	PRIVACY MANAGEMENT PLAN
File Reference:	F10/618-03
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 and 18 April 2013
Resolution Number:	365/07, 342/08, 437/10 and 99/13
Current Management Plan adopted by Council:	15 June 2017
Resolution Number:	XXX/17
Next Policy Review Date:	2020

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PREFACE

The *Privacy and Personal Information Protection Act 1998* (the “PPIPA”) requires all councils to prepare a Privacy Management Plan outlining their policies and practices to ensure compliance with the requirements of that Act and the *Health Records and Information Privacy Act 2002* (the HRIPA).

In particular, the object of this plan is to inform:

- The community about how their personal information will be used, stored and accessed after it is collected by the Council; and
- Council staff of their obligations in relation to handling personal information and when they can and cannot disclose, use or collect it.

PART 1 – INTRODUCTION

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 (the “Plan”) to deal with:

- the devising of policies and practices to ensure compliance by the Council with the requirements of the PPIPA and the Health Records and Information Privacy Act 2002 (“HRIPA”);
- the dissemination of those policies and practices to persons within the Council;
- the procedures that the Council proposes for internal review of privacy complaints;
- such other matters as are considered relevant by the Council in relation to privacy and the protection of personal information held by it.

This Plan has been prepared for the purpose of section 33 of the PPIPA.

PPIPA provides for the protection of personal information by means of 12 Information Protection Principles. Those principles are listed below:

- Principle 1 - Collection of personal information for lawful purposes
- Principle 2 - Collection of personal information directly from individual
- Principle 3 - Requirements when collecting personal information
- Principle 4 - Other requirements relating to collection of personal information
- Principle 5 - Retention and security of personal information
- Principle 6 - Information about personal information held by agencies
- Principle 7 - Access to personal information held by agencies
- Principle 8 - Alteration of personal information
- Principle 9 - Agency must check accuracy of personal information before use
- Principle 10 - Limits on use of personal information
- Principle 11 - Limits on disclosure of personal information
- Principle 12 - Special restrictions on disclosure of personal information

Those principles are *modified* by the Privacy Code of Practice for Local Government

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("the Code") made by the Attorney General. To date there has been no Health Records and Information Privacy Code of Practice made for Local Government.

The Privacy Code has been developed to enable Local Government to fulfil its statutory duties and functions under the *Local Government Act 1993* (the "LGA") in a manner that seeks to comply with the PPIPA.

This Plan outlines how the Council will incorporate the 12 Information Protection Principles into its everyday functions.

This Plan should be read in conjunction with the Code of Practice for Local Government.

Nothing in this Plan is to:

- affect any matter of interpretation of the Codes or the Information Protection Principles and the Health Privacy Principles as they apply to the Council;
- affect any obligation at law cast upon the Council by way of representation or holding out in any manner whatsoever;
- create, extend or lessen any obligation at law which the Council may have.

This Plan is designed to introduce policies and procedures to maximise compliance with the PPIPA and the HRIPA.

Where the Council has the benefit of an exemption, it will nevertheless describe procedures for compliance in this Plan. By doing so, it is not to be bound in a manner other than that prescribed by the Codes.

Council collects, stores and uses a broad range of information. A significant part of that information is personal information. This Plan applies to that part of the Council's information that is personal information.

It may mean in practice that any information that is not personal information will receive treatment of a higher standard; namely treatment accorded to personal information where the information cannot be meaningfully or practicably separated.

1.1 What is "personal information"?

"Personal information" is defined in section 4 of the PPIPA as follows:

Personal information is defined to mean information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. This information can be on a database and does not necessarily have to be recorded in a material form.

1.2 What is not "personal information"

"Personal information" does not include "information about an individual that is contained in a publicly available publication". Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIPA.

Section 4A of the PPIPA also specifically excludes "health information", as defined by

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section 6 of the HRIPA, from the definition of “personal information”, but includes “health information” in the PPIPA’s consideration of public registers (discussed below). “Health information” is considered in Part 4 of this Plan.

Where the Council is requested to provide access or make a disclosure and that information has already been published, then the Council will rely on the provisions of the relevant Act that authorises Council to hold that information and not the PPIPA (for example, section 8 of the Government Information (Public Access) Act 2009 (GIPA Act)).

Council considers the following to be publicly available publications:

- An advertisement containing personal information in a local, city or national newspaper;
- Personal information on the Internet;
- Books or magazines that are printed and distributed broadly to the general public;
- Council Business papers or that part that is available to the general public;
- Personal information that may be a part of a public display on view to the general public.

Information published in this way ceases to be covered by the PPIPA.

Council’s decision to publish in this way must be in accordance with PPIPA.

1.3 Policy on Electoral Rolls

The Electoral Roll is a publicly available publication. Council will provide open access to the Electoral Roll (if available) in Council’s libraries. Council will refer any requests for copies of the Electoral Roll to the State Electoral Commissioner.

1.4 Application of this Plan

The PPIPA, the HRIPA and this Plan apply, wherever practicable, to:

- Councillors;
- Council employees;
- Consultants and contractors of the Council;
- Council owned businesses; and
- Council committees (including community members of those committees which may be established under section 355 of the LGA).

Council will ensure that all such parties are made aware that they must comply with the PPIPA, the HRIPA, any other applicable Privacy Code of Practice and this Plan.

1.5 Personal Information held by Council

The Council holds personal information concerning Councillors, such as:

- personal contact information;
- complaints and disciplinary matters;
- pecuniary interest returns; and
- entitlements to fees, expenses and facilities.

The Council holds personal information concerning its customers, ratepayers and residents, such as:

- rates records; and
- DA applications and objections; and
- various types of health information (see page 37 for detailed examples).

The Council holds personal information concerning its employees, such as:

- recruitment material;
- leave and payroll data;
- personal contact information;
- performance management plans;
- disciplinary matters;
- pecuniary interest returns;
- wage and salary entitlements; and
- health information (such as medical certificates and workers compensation claims).

1.6 Applications for suppression in relation to general information (not public registers).

Under section 739 of the Local Government Act 1993 ("LGA") a person can make an application to suppress certain material that is available for public inspection in circumstances where the material discloses or would disclose the person's place of living if the person considers that the disclosure would place the personal safety of the person or their family at risk.

Section 739 of the LGA relates to publicly available material other than public registers. As such, it limits disclosure in those circumstances where an application for suppression is successful. An application for suppression must be verified by statutory declaration and otherwise meet the requirements of section 739. When in doubt, Council will err in favour of suppression.

For more information regarding disclosure of information (other than public registers) see the discussion of IPPs 11 and 12 in Part 3 of this Plan. For information regarding suppression of information on *public registers*, see Part 2 of this Plan.

1.7 Caution as to unsolicited information

Where an individual, a group or committee, not established by Council, gives Council

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unsolicited personal or health information, then that information should be still treated in accordance with this Plan, the Codes, the HRIPA and the PPIPA for the purposes of IPPs 5-12 and HPPs 5-15 which relate to storage, access, use and disclosure of information.

Note that for the purposes of section 10 of the HRIPA, the Council is not considered to have “collected” health information if the receipt of the information by the Council is unsolicited.

Section 4(5) of the PPIPA also provides that personal information is not “collected” by Council if it is unsolicited.

PART 2 – PUBLIC REGISTERS

A public register is defined in section 3 of the PPIPA:

“...public register means a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee).”

A distinction needs to be drawn between “public registers” within the meaning of Part 6 of the PPIPA and “non public registers”. A “non public register” is a register but it is not a “public register” for the purposes of the PPIPA. For example, the register might not be publicly available or it may not contain personal information.

Disclosure in relation to public registers must comply with Part 6 of the PPIPA and the Privacy Code. Personal information cannot be accessed by a person about another person unless the personal information is contained in a public register. Where personal information is contained in a public register, then Part 6 of the PPIPA applies to determine whether access to that information will be given to another person.

Disclosure in relation to all other personal information must comply with the Information Protection Principles as outlined in Part 2 of this Plan and the Privacy Code where it includes personal information that is not published.

The Council holds the following public registers under the LGA: ***

- Section 53 - Land Register;
- Section 113 - Records of Approvals;
- Section 449 -450A - Register of Pecuniary Interests;
- Section 602 - Rates Record.

***Note – this is purely indicative. Council may, by virtue of its own practice, hold other Public Registers, to which the PPIPA applies.

Council holds the following public registers under the Environmental Planning and Assessment Act:

- Section 100 – Register of consents and approvals
- Section 149G – Record of building certificates

Council holds the following public register under the Protection of the Environment

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(Operations) Act:

- Section 308 – Public register of licences held

Council holds the following public register under the Impounding Act 1993:

- Section 30 & 31 – Record of impounding

Members of the public may enquire only in accordance with the primary purpose of any of these registers. The primary purpose for each of these public registers is set out in the sections that follow.

2.1 Public registers, the PPIPA and the HRIPA

A public register generally confers specific rights or privileges, a benefit, or status, which would not otherwise exist. It may be required by law to be made publicly available or open to public inspection, or it is simply made publicly available or open to public inspection (whether or not payment is required).

Despite the exclusion of “health information” from the definition of “personal information” under section 4A of the PPIPA, section 56A of the PPIPA *includes* as “personal information”, “health information” on public registers.

Section 57 of the PPIPA requires very stringent controls over the disclosure of personal information contained in a public register. It provides broadly that where Council is responsible for keeping a public register, it will not disclose any personal information kept in that register unless it is satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.

Section 57 (2) provides that in order to ensure compliance with section 57(1), a Council may require any person who applies to inspect personal information contained in the public register to give particulars in the form of a statutory declaration as to the proposed use of that information. (Form at Appendix 1 may be used as a guide)

Councils also need to consider the Privacy Code of Practice for Local Government which has the effect of modifying the application of Part 6 of the PPIPA (the “public register” provisions).

If the stated purpose of the applicant does not conform with the purpose for which the public register is kept, access to the information sought will not be given.

Where personal information is contained in a publicly available publication, that information will not be regarded as personal information covered by the PPIPA or as health information for the purposes of part 6 of the PPIPA.

2.2 Effect on section 6 of the GIPA Act

Section 57 of the PPIPA prevails over clause 1(3) of Schedule 1 of the Government Information (Public Access) Regulation 2009 (GIPA Regulation) to the extent of any

inconsistency. Therefore:

1. If a register is listed in Schedule 1 of the GIPA Regulation, access must not be given except in accordance with section 57(1) of the PPIPA.
2. If a register is not listed in Schedule 1 of the GIPA Regulation, access must not be given except:
 - (i) if it is allowed under section 57(1) of the PPIPA; **and**
 - (ii) there is no overriding public interest against disclosure of the information under section 6 of the GIPA Act.

Note: Both 1 and 2 are amended with regard to specific public registers in the Privacy Code of Practice for Local Government.

2.3 Where some information in the public register has been published

That part of a public register that is not published in a publicly available publication will be treated as a “public register” and the following procedure for disclosure will apply.

For example, the Register of Consents and Approvals held by Council under section 100 of the Environmental Planning and Assessment Act requires Council to advertise or publish applications for development consent.

When Council publishes the address of the property, it may identify the owner. The personal information that has not been published and any applications not advertised or that have been rejected or withdrawn (and hence also not published) will be treated as a public register under PPIPA.

Council may hold a register under the Contaminated Land Management Act on behalf of the Environment Protection Authority. This is not to be considered a public register of the Council as the statute does not place any obligations on the Council to make this register publicly available as a register of contaminated land. Furthermore, the legislation foreshadows that the Environment Protection Authority may indeed post this list or register on the internet. This may constitute a publication of the information and therefore the PPIPA will not apply.

Registers should not be published on the internet.

2.4 Disclosure of personal information contained in the public registers

A person seeking a disclosure concerning someone else’s personal information from a public register must satisfy Council that the intended use of the information is for a purpose relating to the purpose of the register or the Act under which the register is kept.

In the following section, by way of guidance only, what might be called the “primary” purpose (or “the purpose of the register”) has been specified for each identified register. In some cases a “secondary purpose” has also been specified, by way of guidance as to what might constitute “a purpose *relating to* the purpose of the register”.

2.5 Purposes of public registers

Purposes of public registers under the Local Government Act

Section 53 - Land Register – The primary purpose is to identify all land vested in Council, or under its control. The secondary purpose includes a consideration of public accountability as to the land held by Council. Third party access is therefore a secondary purpose.

Section 113 - Records of Approvals – The primary purpose is to identify all approvals granted under the LGA.

Section 450A - Register of Pecuniary Interests – The primary purpose of this register is to determine whether or not a Councillor or a member of a council committee has a pecuniary interest in any matter with which the council is likely to be concerned. There is a corresponding public accountability purpose and third party access is a secondary purpose.

Section 602 - Rates Record - The primary purpose is to record the value of a parcel of land and record rate liability in respect of that land. The secondary purpose includes recording the owner or lessee of each parcel of land. For example, that a disclosure on a section 603 (of the LGA) rating certificate that a previous owner was a pensioner is considered to be allowed, because the secondary purpose is “a purpose relating to the purpose of the register”.

Purposes of public registers under the Environmental Planning and Assessment Act

Section 100 – Register of consents and approvals – The primary purpose is to identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.

Section 149G – Record of building certificates – The primary purpose is to identify all building certificates.

Purposes of public registers under the Protection of the Environment (Operations) Act

Section 308 – Public register of licences held – The primary purpose is to identify all licences granted under the Act.

Purposes of the public register under the Impounding Act

Section 30 & 31 – Record of impounding – The primary purpose is to identify any impounding action by Council.

Secondary purpose of all Public Registers

Due to the general emphasis (to be found in the LGA and elsewhere) on local government processes and information being open and accountable, it is considered

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that a secondary purpose for which all public registers are held by Council includes the provision of access to members of the public. Therefore disclosure of specific records from public registers would normally be considered to be allowable under section 57 of the PPIPA.

However, requests for access, copying or the sale of the whole or a substantial part of a Public Register held by Council will not necessarily fit within this purpose. Council should be guided by the Privacy Code of Practice for Local Government in this respect. Where Council officers have doubt as to the intended use of the information, an applicant may be requested to provide a statutory declaration so that Council may satisfy itself as to the intended use of the information.

Council will make its assessment as to the **minimum** amount of personal information that is required to be disclosed with regard to any request.

Other Purposes

Persons or organisations who apply to Council to have access to the information contained in any public register for a purpose not related to the purpose of the register, may be given access at the discretion of Council but only in accordance with the Privacy Code of Practice for Local Government concerning Public Registers.

2.6 Applications for access to own records on a public register

A person wishing to have access to a public register to confirm their own details needs only to prove their identity to Council before having access to their own personal information.

2.7 Applications for suppression in relation to a public register

An application for suppression in relation to a public register will be dealt with under PPIPA, rather than section 739 of the LGA.

A person about whom personal information is contained (or proposed to be contained) in a public register, may request Council under section 58 of the PPIPA to have the information removed from, or not placed on the register.

If Council is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information, in accordance with section 58(2) of the PPIPA. ("Well-being" is defined in the Macquarie Dictionary as "the good or satisfactory condition of existence; welfare".)

When in doubt, Council will err in favour of suppression.

Any information that is removed from, or not placed on, that aspect of a public register to be made public may be kept on the register for other purposes. That is, the information may still be used for council functions, but it cannot be disclosed to other parties.

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An application for suppression should be made in writing addressed to the General Manager and must outline the reasons for the request. The Council may require supporting documentation where appropriate.

2.8 Other registers

Council may have other registers that are not public registers. The Information Protection Principles, this Plan, any applicable Codes and the PPIPA apply to those registers or databases.

PART 3 – THE INFORMATION PROTECTION PRINCIPLES

3.1 Information Protection Principle 1 – Section 8

Section 8 Collection of personal information for lawful purposes

- (1) *A public sector agency must not collect personal information unless:*
 - (a) *the information is collected for a lawful purpose that is directly related to a function or activity of the agency, and*
 - (b) *the collection of the information is reasonably necessary for that purpose.*
- (2) *A public sector agency must not collect personal information by any unlawful means.*

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from the requirements of this principle.

Council Policy

Council will only collect personal information for a lawful purpose as part of its proper functions. The LGA governs Council's major obligations and functions.

Section 22 of the LGA provides other functions under other Acts. Some of those Acts are as follows:

- Community Land Development Act 1989
- Companion Animals Act 1998**
- Conveyancing Act 1919
- Environmental Planning and Assessment Act 1979
- Fire Brigades Act 1989
- Fluoridation of Public Water Supplies Act 1957
- Food Act 2003
- Impounding Act 1993
- Library Act 1939
- Protection of the Environment Operations Act 1997
- Public Health Act 2010
- Recreation Vehicles Act 1983

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- Roads Act 1993
- Rural Fires Act 1997
- State Emergency Service Act 1989
- Strata Schemes Development Act 2015
- Swimming Pools Act 1992

This list is not exhaustive.

Additionally, the exercise by Council of its functions under the LGA may also be modified by the provisions of other Acts. Some of those Acts follow:

- Coastal Protection Act 1979;
- Environmental Offences and Penalties Act 1989;
- Government Information (Public Access) Act 2009;
- Heritage Act 1977;
- Privacy and Personal Information Protection Act 1998;
- State Emergency and Rescue Management Act 1989;
- Unclaimed Money Act 1995.

The circumstances under which Council may collect information, including personal information, are varied and numerous.

Council will not collect any more personal information than is reasonably necessary for it to fulfil its proper functions.

Anyone engaged by Council as a private contractor or consultant that involves the collection of personal information must agree to be bound not to collect personal information by any unlawful means. This will include debt recovery actions by or undertaken on behalf of Council by commercial agents.

****Companion Animals Act**

Collection of information under the Companion Animals Act and Council's use of the Companion Animals Register should be guided by the Director General's guidelines, which have been developed with the PPIPA in mind.

Role of the Privacy Contact Officer

In order to ensure compliance with Information Protection Principle 1, internet contact forms, rates notices, application forms of whatsoever nature, or written requests by which personal information is collected by Council; will be referred to the Privacy Contact Officer prior to adoption or use.

The Privacy Contact Officer will also provide advice as to:

1. Whether the personal information is collected for a lawful purpose;
2. If that lawful purpose is directly related to a function of Council; and

3. Whether or not the collection of that personal information is reasonably necessary for the specified purpose.

Any further concerns of a legal nature will be referred to Council's solicitor.

3.2 Information Protection Principle 2 – Direct Collection

Section 9 Collection of personal information directly from individual

A public sector agency must, in collecting personal information, collect the information directly from the individual to whom the information relates unless:

- (a) the individual has authorised collection of the information from someone else, or*
- (b) in the case of information relating to a person who is under the age of 16 years—the information has been provided by a parent or guardian of the person.*

The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.

Council Policy

The compilation or referral of registers and rolls are the major means by which the Council collects personal information. For example, the information the Council receives from the Land Titles Office would fit within section 9(a) above.

Other means include forms that customers may complete and lodge with Council for development consent, companion animal registration, applications for specific inspections or certifications or applications in respect of tree preservation orders.

In relation to petitions, the Council will treat the personal information contained in petitions in accordance with PPIPA.

Where Council or a Councillor requests or requires information from individuals or groups, that information will be treated in accordance with PPIPA.

Council regards all information concerning its customers as information protected by PPIPA. Council will therefore collect all personal information directly from its customers except as provided in section 9 or under other statutory exemptions or Codes of Practice. Council may collect personal information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so.

Where Council anticipates that it may otherwise need to collect personal information indirectly it will first obtain the authorisation of each individual under section 9 (a) of the PPIPA.

External and related bodies

Each of the following will be required to comply with this Plan, any applicable Privacy

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Code of Practice, and the PPIPA:

- Council owned businesses
- Council consultants
- Private contractors
- Council committees

Council may seek to contractually bind each of these bodies or persons to comply with the PPIPA.

Where any of the above collect personal information on behalf of Council or in relation to the performance of their activities, that body or person will be required to:

- obtain a written authorisation and consent to that collection; and
- notify those persons in accordance with Information Protection Principle 3 as to the intended recipients and other matters required by that principle.

Council owned businesses, committees and private contractors or consultants must abide by this Plan, the Code and the PPIPA under the terms of their incorporation by Council or by contract.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 2.

Existing statutory exemptions under the Act

Compliance with Information Protection Principle 2 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in very obvious and limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow:

Section 23(2) of the PPIPA permits non-compliance with Information Protection Principle 2 if the information concerned is collected in connection with proceedings (whether or not actually commenced) before any court or tribunal.

Section 24(4) of the PPIPA extends the operation of section 24(1) to councils and permits non-compliance with Information Protection Principle 2 if a council is:

- (i) investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (ii) if compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions.

Section 25(a) of the PPIPA permits non-compliance with Information Protection

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Principle 2 where the agency is lawfully authorised or required not to comply with the principle.

- (i) Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 2 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

Section 26(1) of the PPIPA permits non-compliance with Information Protection Principle 2 if compliance would prejudice the interests of the individual concerned.

Further Explanation regarding IPP 2

Where Council cannot collect personal information directly from the person, it will ensure one of the following:

1. Council has obtained authority from the person under section 9(a) of the PPIPA.
2. The collection of personal information from a third party is permitted under an Act or law. (For example, the indirect collection from the Land Titles Office.)
3. The collection of personal information from a parent or guardian is permitted provided the person is less than 16 years of age.
4. The collection of personal information indirectly where one of the above exemptions applies.
5. The collection of personal information indirectly is permitted under the Privacy Code of Practice for Local Government or the Investigative Code of Practice.

The only other exception to the above is in the case where Council is given unsolicited information.

3.3 Information Protection Principle 3 - Requirements when collecting personal information

Section 10 Requirements when collecting personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual to whom the information relates is made aware of the following:

- (a) *the fact that the information is being collected,*
- (b) *the purposes for which the information is being collected,*
- (c) *the intended recipients of the information,*
- (d) *whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided,*
- (e) *the existence of any right of access to, and correction of, the information,*
- (f) *the name and address of the agency that is collecting the information and the agency that is to hold the information.*

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The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle where personal information is collected about an individual for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition without prior or subsequent notification.

Council Policy

Where Council proposes to collect personal information directly from the person, it will inform that person that the personal information is being collected, what is done with that information and who the intended recipients will be.

Council will inform persons if the information is required by law or voluntarily given. Council will also inform individuals which department or section within Council holds their personal information, and of the right to access and correct that information. Council will adapt the general section 10 pre-collection Privacy Notification form as appropriate (See Appendix 2).

The following are examples of application procedures that will require a Privacy Notification Form in accordance with section 10:

- Lodging Development Applications;
- Lodging objections to Development Applications;
- Lodging applications for approval under the LGA;
- Any stamps or printed slips that contain the appropriate wording for notification under section 10 (see Appendix 2); and
- When collecting an impounded item.

In relation to the Privacy Notification Form that may be attached to a Development Application provided to objectors, it could be stated that objectors have a right to remain anonymous if they so choose. However, should they need to substantiate their objections, anonymous objections may be given less weight (or no weight) in the overall consideration of the Application.

Post - Collection

Where Council collects personal information indirectly from another public sector agency in respect of any one of its statutory functions, it will advise those individuals that it has collected their personal information by including a privacy notification form in the next issue of their rates notice, or otherwise by letter. A common example of the collection of information from another public sector agency is the Land Titles Office. Council receives information as to new ownership changes when property is transferred from one owner to the next. Appendix 3 contains a sample Privacy Notification Form that could be used for post-collection.

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External and related bodies

Each of the following will be required to comply with Information Protection Principle

- Council owned businesses
- Council consultants
- Private contractors
- Council committees

Council may seek to contractually bind each of these bodies or persons to comply with the Information Protection Principle 3.

Where any of the above collect personal information on behalf of Council or in relation to the performance of their activities, that body or person will be required to notify those persons in accordance with Information Protection Principle 3 as to the intended recipients and other matters required by that principle.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 3.

Existing statutory exemptions under the Act

Compliance with Information Protection Principle 3 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow:

Section 23(3) permits non-compliance with Information Protection Principle 3 where information is collected for law enforcement purposes. Law enforcement means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person.

Section 24(4) of the PPIPA extends the operation of section 24(1) to councils and permits non-compliance with Information Protection Principle 3 if a council is:

- (i) investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (ii) if compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions.

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Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 3 where the agency is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 3 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

Section 26(1) of the PPIPA permits non-compliance with Information Protection Principle 3 if compliance would prejudice the interests of the individual concerned.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

Disclosure of information of research purposes

The disclosure of personal information for research purposes will be allowed only in accordance with any applicable Direction made by the Privacy Commissioner under section 41 of PPIPA or any Research Code of Practice made by the Attorney General as may be in force for the time being.

3.4 Information Protection Principle 4 - Other requirements relating to collection of personal information

Section 11 Other requirements relating to collection of personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:

- (a) the information collected is relevant to that purpose, is not excessive, and is accurate, up to date and complete, and*
- (b) the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.*

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Council will seek to ensure that no personal information is collected which is not directly relevant to its proper functions.

Council collects personal information through the various forms that customers may complete and lodge with Council. Before adoption of a new form, a draft form will be reviewed for compliance with Information Protection Principle 4 by the **Privacy Contact Officer** or Council's solicitor or other suitable person. Should Council have any residual doubts, the opinion of the Office of the Privacy Commissioner NSW will be sought.

3.5 Information Protection Principle 5 - Retention and security of personal information

Section 12 Retention and security of personal information

A public sector agency that holds personal information must ensure:

- (a) that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and*
- (b) that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and*
- (c) that the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and*
- (d) that, if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information.*

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Council may comply with this principle by using any or all of the following or similar documents:

- Council's Internet and Email Policy;
- Council's Electronic Security System Policy;
- Council's Digital Information Security Policy; and
- General Records Disposal Schedule for Local Government.

Disclosure of information of research purposes

The disclosure of personal information for research purposes will be allowed only in accordance with any applicable Direction made by the Privacy Commissioner under section 41 of PIPA or any Research Code of Practice made by the Attorney General as may be in force for the time being.

3.6 Information Protection Principle 6 - Information held by agencies

Section 13 Information about personal information held by agencies

A public sector agency that holds personal information must take such steps as are, in the circumstances, reasonable to enable any person to ascertain:

- (a) whether the agency holds personal information, and*
- (b) whether the agency holds personal information relating to that person, and*
- (c) if the agency holds personal information relating to that person:*
 - (i) the nature of that information, and*

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- (ii) *the main purposes for which the information is used, and*
- (iii) *that person's entitlement to gain access to the information.*

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Section 13 of the PPIPA requires a council to take reasonable steps to enable a person to determine whether the council holds personal information about them. If Council holds any information about a person, upon request it will advise them the nature of that information, the main purposes for which it is held, and that person's entitlement to access. As a matter of practicality, not every item of personal information, however insignificant, will be capable of ascertainment.

Under section 20(5) of the PPIPA, Information Protection Principle 6 is subject to any applicable conditions or limitations contained in the *Government Information (Public Access) Act 2009* ("GIPA Act"). Council must consider the relevant provisions of the GIPA Act.

Any person can make application to Council by completing the appropriate form and submitting it to Council. An example is at Appendix 4.

Where council receives an application or request by a person as to whether council holds information about them, council will undertake a search of its records to answer the enquiry. Council may ask the applicant to describe what dealings the applicant has had with council in order to assist council to conduct the search.

Council will ordinarily provide a response to applications of this kind within 28 days of the application being made. The fee structure is commensurate to that of the Council's GIPA Act rates structure.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 6.

Existing exemptions under the Act

Compliance with Information Protection Principle 6 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 6 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 6 where non-compliance is "necessarily implied" or "reasonably

contemplated" under any Act or law.

Reporting matters

The Council may issue a statement to be included on its Web page and in its Annual Report concerning the nature of personal information it regularly collects, the purpose for which the personal information is used and an individual's right to access their own personal information.

3.7 Information Protection Principle 7 - Access to personal information held by agencies

Section 14 Access to personal information held by agencies

A public sector agency that holds personal information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Section 14 of the PPIPA requires a Council, at the request of any person, to give access to that person to personal information held about them.

Compliance with Information Protection Principle 7 does not allow disclosure of information about other people. If access to information that relates to someone else is sought, the application must be made under the GIPA Act, unless Information Protection Principles 11 and 12 or the Public Register provisions apply.

Where a person makes an application for access under the PPIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the GIPA Act. The applicant has the right to insist on being dealt with under PPIPA.

Under section 20(5) of the PPIPA, Information Protection Principle 7 is subject to any applicable conditions or limitations contained in the *Government Information (Public Access) Act 2009* ("GIPA Act"). Council must consider the relevant provisions of the GIPA Act.

Customers wishing to exercise their right of access to their own personal information should apply in writing or direct their inquiries to the General Manager, who will make a determination. A sample form is provided at Appendix 5.

Members of staff wishing to exercise their right of access to their personal information should apply in writing on the attached form or direct their inquiries to the Manager of Personnel, who will deal with the application.

In order to comply with the requirement to provide the requested information "without excessive delay or expense", Council will ordinarily provide a response to

applications of this kind within 28 days of the application being made.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 7.

Existing exemptions under the Act

Compliance with Information Protection Principle 7 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 7 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA non-compliance with Information Protection Principle 7 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

3.8 Information Protection Principle 8 - Alteration of personal information

Section 15 *Alteration of personal information*

- (1) *A public sector agency that holds personal information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information:*
 - (a) *is accurate, and*
 - (b) *having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.*
- (2) *If a public sector agency is not prepared to amend personal information in accordance with a request by the individual to whom the information relates, the agency must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.*
- (3) *If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the public sector agency.*
- (4) *This section, and any provision of privacy code of practice that relates to the requirements set out in this section, apply to public sector agencies despite section 25 of this Act and section 21 of the State Records Act 1998.*
- (5) *The Privacy Commissioner's guidelines under section 36 may make provision for or with respect to requests under this section, including the way in which such a request should be made and the time within which such a request should be dealt with.*
- (6) *In this section (and in any other provision of this Act in connection with the operation of this section), **public sector agency** includes a Minister and a Minister's personal staff.*

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The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Section 15 of the PPIPA allows a person to make an application to council to amend (*this includes by way of corrections, deletions or additions*) personal information held about them so as to ensure the information is accurate, and, having regard to the purpose for which the information is collected, relevant to that purpose, up to date and not misleading.

Council wishes to have its information current, accurate and complete. Proposed amendments or changes to the personal information held by the Council are welcomed.

If Council declines to amend personal information as requested, it will on request of the individual concerned, place an addendum on the information in accordance with section 15(2) of the PPIPA.

Where there are complaints that are or could be the subject of a staff complaint or grievance, they will be referred to the Manager Personnel in the first instance and treated in accordance with the "Grievance and Complaint Handling Procedures".

Any alterations that are or could be the subject of a customer complaint or grievance will be referred to the General Manager, who will make a determination in relation to the matter.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 8.

Existing exemptions under the Act

Compliance with Information Protection Principle 8 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 8 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with section Information Protection Principle 8 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Procedure

Where information is requested to be amended (either by way of correction, deletion

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or addition), the individual to whom the information relates, must make a request. That request should be accompanied by appropriate evidence as to the cogency of the making of the amendment, sufficient to satisfy the Council that the proposed amendment is factually correct and appropriate. The Council may require further documentary evidence to support certain amendments. Council will not charge to process an application to amend a record under s.15.

The Council's application form for alteration under IPP 8 is at Appendix 6 at the end of this Plan.

Where Council is not prepared to amend

If the Council is not prepared to amend the personal information in accordance with a request by the individual the Council may attach to the information in such a manner as is capable of being read with the information, any statement provided by that individual.

Where an amendment is made

If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have the recipients of that information notified of the amendments made by the Council.

The Council will seek to notify recipients of information as soon as possible, of the making of any amendment, where it is reasonably practicable.

State Records Act

The State Records Act does not allow for the deletion of records. However, as a result of section 20(4) of the PPIPA, some deletions may be allowed in accordance with Information Protection Principle 8.

3.9 Information Protection Principle 9 - Agency must check accuracy of personal information before use

Section 16 Agency must check accuracy of personal information before use

A public sector agency that holds personal information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

The steps taken to comply with section 16 will depend on the age of the information, its likelihood of change and the particular function for which the information was collected.

The more significant the information, the greater the necessity that checks to ensure its accuracy and currency be undertaken prior to its use.

For example, each employee's record should be updated when there is any change of circumstances or when the employee's contact details change.

3.10 Information Protection Principle 10 - Limits on use of personal information

Section 17 Limits on use of personal information

A public sector agency that holds personal information must not use the information for a purpose other than that for which it was collected unless:

- (a) the individual to whom the information relates has consented to the use of the information for that other purpose, or*
- (b) the other purpose for which the information is used is directly related to the purpose for which the information was collected, or*
- (c) the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person.*

The Privacy Code of Practice for Local Government

The Code makes provision that Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:

- (i) where the use is in pursuance of Council's lawful and proper function/s and Council is satisfied that the personal information is reasonably necessary for the exercise of such function/s; or
- (ii) where personal information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition.

Explanatory Note

Council may use personal information obtained for one purpose for another purpose in pursuance of its lawful and proper functions. For example, the Rates Record that Council holds under section 602 of the LGA may also be used to:

- notify neighbours of a proposed development;
- evaluate a road opening; or
- evaluate a tree preservation order.

Council Policy

Council will seek to ensure that information collected for one purpose will be used for that same purpose. Where Council may need to use personal information collected for one purpose for another purpose, it will first gain the consent of the individual concerned, unless an exemption applies.

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External and related bodies

Each of the following will be required to comply with the Information Protection Principle 10:

- Council owned businesses;
- Council consultants;
- Private contractors; and
- Council committees.

Council may seek to contractually bind each of these bodies or persons to comply.

Where any of the above seek to use personal information collected for one purpose, that body or person will be required to obtain the written consent of those persons in accordance with section 17(a) to the use of the information for another purpose.

The form of consent should include the following elements:

I, (1)	(1) insert full name
of (2)	(2) insert address
hereby consent under section 17(a) of the Privacy and Personal Information Protection Act 1998 to (3):	(3) insert Council name
.....	
using the information collected from me by (4):	(4) insert name of collecting body/person
.....	
for the purpose of (5):	(5) insert purpose/s info was collected for
.....	
Signature	
Name to be printed	
Date signed / /	

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 10.

Existing exemptions under the Act

Compliance with Information Protection Principle 10 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(4) of the PPIPA permits Council not to comply with Information Protection Principle 10 where the use of the information for another purpose is reasonably necessary for law enforcement purposes or for the protection of the public revenue. *Law enforcement purposes* means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person. *Protection of the public revenue* means a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty.

Section 24(4) of the PPIPA extends the operation of section 24(2) to councils and permits non-compliance with Information Protection Principle 10 if a council is:

- (i) investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (ii) the use of the information concerned for a purpose other than the purpose for which it was collected is reasonably necessary in order to enable the council to exercise its complaint handling functions or any of its investigative functions.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 10 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 10 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g., the Department of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister’s (or Premier’s) administration.

3.11 Information Protection Principle 11 - Limits on disclosure of personal information

Section 18 Limits on disclosure of personal information

- (1) *A public sector agency that holds personal information must not disclose the information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:*
 - (a) *the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure, or*
 - (b) *the individual concerned is reasonably likely to have been aware, or has been*

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made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body, or

- (c) the agency believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.*
- (2) If personal information is disclosed in accordance with subsection (1) to a person or body that is a public sector agency, that agency must not use or disclose the information for a purpose other than the purpose for which the information was given to it.*

The Privacy Code of Practice for Local Government

The Code makes provision for council to depart from this principle in the circumstances described below:

1. Council may disclose personal information to public sector agencies or public utilities on condition that:
 - (i) the agency has approached Council in writing;
 - (ii) Council is satisfied that the information is to be used by that agency for the proper and lawful function/s of that agency, and
 - (iii) Council is satisfied that the personal information is reasonably necessary for the exercise of that agency's function/s.
2. Where personal information which has been collected about an individual is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition.
3. Where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

Council Policy

Council will not disclose the information to another person or other body, unless the disclosure is directly related to the purpose for which the information was collected or where the Council has no reason to believe that the individual concerned would object to the disclosure.

Council may disclose personal information to another person or other body where this disclosure is directly related to the purpose for which the personal information was collected and the individual concerned is reasonably likely to have been aware, (or has been made aware in accordance with section 10), of the intended recipients of that information. "Directly related" can mean the disclosure to another person or agency to deliver a service which supplements that of Council or disclosure to a consultant for the purpose of assessing or reviewing the delivery of a program to which the original collection relates.

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The Council may disclose personal information to another person or other body where this disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

Public Registers

Sections 18 and 57 of the PPIPA should be read in conjunction in regard to Public Registers. Public Registers are discussed further in Part 2 of this Plan.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 11.

Existing exemptions under the Act

Compliance with Information Protection Principle 11 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(5)(a) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is made to a law enforcement agency in connection with proceedings for an offence or for law enforcement purposes. *Law enforcement purposes* means a breach of the criminal law and criminal law enforcement. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(b) of the PPIPA permits non-compliance with Information Protection Principle 11 where the disclosure is made to a law enforcement agency for the purpose of ascertaining the whereabouts of a person reported to be missing. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(c) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is authorised by subpoena, search warrant or other statutory instrument. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(d)(i) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary for the protection of the public revenue. *Protection of the public revenue* could mean a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(d)(ii) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary to investigate an offence where there are reasonable grounds to believe an offence has been committed.

Section 24(4) of the PPIPA permits non-compliance with Information Protection

Principle 11 if:

- (i) investigating a complaint that could be referred or made to, or has been referred from or made by, an investigative agency, and
- (ii) if the disclosure is to an investigative agency.

(Note: "investigative agency" is defined at s.3 of PPIPA.)

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 11 where Council is lawfully authorised or required not to comply with the principle. Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 11 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Division of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.

It is anticipated that a disclosure of personal information for research purposes will be allowed under a s.41 Direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.

3.12 Information Protection Principle 12 - Special restrictions on disclosure of personal information

Section 19 Special restrictions on disclosure of personal information

- (1) *A public sector agency must not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.*
- (2) *A public sector agency that holds personal information must not disclose the information to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless:*
 - (a) *a relevant privacy law that applies to the personal information concerned is in force in the that jurisdiction or applies to that Commonwealth agency, or*
 - (b) *the disclosure is permitted under a privacy code of practice.*
- (3) *For the purposes of subsection (2), a **relevant privacy law** means a law that is determined by the Privacy Commissioner, by notice published in the Gazette, to be a*

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privacy law for the jurisdiction concerned.

- (4) *The Privacy Commissioner is to prepare a code relating to the disclosure of personal information by public sector agencies to persons or bodies outside New South Wales and to Commonwealth agencies.*
- (5) *Subsection (2) does not apply:*
 - (a) *until after the first anniversary of the commencement of this section, or*
 - (b) *until a code referred to in subsection (4) is made,**whichever is the later.*

The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle in the circumstances described below:

1. For the purposes of s.19(2) only, where Council is requested by a potential employer outside New South Wales, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

Council Policy

Council will not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.

Public Registers

Sections 19 and 57 of the PPIPA should be read in conjunction in regard to Public Registers. Public Registers are discussed further in Part 2 of this Plan.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 12.

Existing exemptions under the Act

Compliance with Information Protection Principle 12 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(7) of the PPIPA permits non-compliance with Information Protection Principle 12 where the disclosure is necessary to investigate an offence or where there are reasonable grounds to believe an offence has been or may be committed.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 12 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 12 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

Section 28(2) permits non-compliance with Information Protection Principle 12 where, in the case of health information, the consent of the person cannot reasonably be obtained and the disclosure is made by an authorised person to another authorised person. “Authorised person” means a medical practitioner, health worker, or other official or employee providing health or community services who is employed or engaged by a public sector agency.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Division of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister’s (or Premier’s) administration.

It is anticipated that a disclosure of personal information for research purposes will be allowed under a s.41 Direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.

PART 4 – HEALTH PRIVACY PRINCIPLES

In 2002, most references to ‘health information’ were taken out of the PPIPA and separate legislation was enacted. The HRIPA was enacted to deal with this specific type of personal information. On and from September 2004, various agencies and organisations, including local councils were expected to comply with the HRIPA in their collection and management of health information.

Health information includes personal information that is information or an opinion about the physical or mental health or a disability of an individual. Health information *also* includes personal information that is information or an opinion about:

- a health service provided, or to be provided, to an individual;

- an individual's express wishes about the future provision of health services to him or her;
- other personal information collected in connection with the donation of human tissue; or
- genetic information that is or could be predictive of the health of an individual or their relatives or descendants.

Health information is defined in section 6 of the HRIPA. Local councils will often hold health information by reason of their role in elder care, child care and various types of community health support services. It is therefore very important for councils to be familiar with the 15 Health Protection Principles ("HPP") set down in Schedule 1 to the HRIPA. Each of these HPPs are considered below.

The following is a non-exhaustive list of examples of the types of health information and circumstances in which councils may collect health information in exercising their functions:

- Tree pruning/removal application where residents approach Council for a reconsideration or reassessment of a tree pruning/removal application on medical grounds;
- Issuing of clean up orders which may include recording information about a residents health, GP professional contact details or involvement with mental health services;
- Volunteer programs where volunteers are asked to disclose health conditions which may preclude them from some types of volunteer work;
- Meals on wheels programs where residents may be asked for medical or dietary requirements, e.g. allergies for catering purposes;
- Seniors bus outings where information may be collected on special medical needs;
- Councils may provide respite and social support services collecting information that is consistent with the client intake and referral record system;
- Information on families for the purposes of children's services. e.g. history of illness, allergies, asthma, diabetes, epilepsy etc;
- Physical exercise classes;
- Some councils run Podiatry services;
- Information may be collected through a healthy community program;
- Children's immunization records; and
- Family counsellor/youth support workers records.

HPPs 1-4 concern the collection of health information, HPP 5 concerns the storage of health information, HPPs 6-9 concern the access and accuracy of health information, HPP 10 concerns the use of health information, HPP 11 concerns the disclosure of health information, HPPs 12-13 concern the identifiers and anonymity of the persons to which health information relate, HPPs 14-15 concern the transferral of health information and the linkage to health records across more than one organisation.

Health Privacy Principle 1

Purposes of collection of health information

- (1) *An organisation must not collect health information unless:*
 - (a) *the information is collected for a lawful purpose that is directly related to a function or activity of the organisation, and*
 - (b) *the collection of the information is reasonably necessary for that purpose.*
- (2) *An organisation must not collect health information by any unlawful means.*

Health Privacy Principle 2

Information must be relevant, not excessive, accurate and not intrusive

An organisation that collects health information from an individual must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:

- (a) *the information is collected is relevant to that purpose, is not excessive and is accurate, up to date and complete, and*
- (b) *the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.*

Health Privacy Principle 3

Collection to be from the individual concerned

- (1) *An organisation must collect health information about an individual only from that individual, unless it is unreasonable or impracticable to do so.*
- (2) *Health information is to be collected in accordance with any guidelines issued by the Privacy Commissioner for the purposes of this clause.*

Health Privacy Principle 4

Individual to be made aware of certain matters

- (1) *An organisation that collects health information about an individual from the individual must, at or before the time it collects the information (or if that is not practicable, as soon as practicable after that time), take steps that are reasonable in the circumstances to ensure that the individual is aware of the following:*
 - (a) *the identity of the organisation and how to contact it,*
 - (b) *the fact that the individual is able to request access to the information,*
 - (c) *the purposes for which the information is collected,*
 - (d) *the persons to whom (or the type of persons to whom) the organisation usually discloses information of that kind,*
 - (e) *any law that requires the particular information to be collected,*
 - (f) *the main consequences (if any) for the individual if all or part of the information is not provided.*
- (2) *If the organisation collects health information about an individual from someone else, it must take any steps that are reasonable in the circumstances to ensure that the individual is generally aware of the matters listed in subclause (1) except to the extent that:*

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- (a) *making the individual aware of the matters would impose a serious threat to the life or health of any individual, or*
 - (b) *the collection is made in accordance with guidelines issued under subclause (3).*
- (3) *The Privacy Commissioner may issue guidelines setting out circumstances in which an organisation is not required to comply with subclause (2).*
- (4) *An organisation is not required to comply with a requirement of this clause if:*
 - (a) *the individual to whom the information relates has expressly consented to the organisation not complying with it or,*
 - (b) *the organisation is lawfully authorised or required not to comply with it, or*
 - (c) *non-compliance is otherwise permitted (or necessarily implied or reasonably contemplated) under any Act or any other law including the State Records Act 1998), or*
 - (d) *compliance by the organisation would, in the circumstances, prejudice the interests of the individual to whom the information relates, or*
 - (e) *the information concerned is collected for law enforcement purposes or,*
 - (f) *the organisation is an investigative agency and compliance might detrimentally affect (or prevent the proper exercise of) its complaint handling functions or any of its investigative functions.*
- (5) *If the organisation reasonably believes that the individual is incapable of understanding the general nature of the matters listed in subclause (1), the organisation must take steps that are reasonable in the circumstances, to ensure that any authorised representative of the individual is aware of those matters.*
- (6) *Subclause (4) (e) does not remove any protection provided by any other law in relation to the rights of accused persons or persons suspected of having committed an offence.*
- (7) *The exemption provided by subclause (4) (f) extends to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.*

Council Policy

Council will only collect health information for a lawful purpose that is directly related to Council's activities and is necessary for that purpose (HPP 1).

Council will ensure that the health information is relevant, accurate, up to date and not excessive and that the collection is not unnecessarily intrusive into the personal affairs of the individual (HPP 2).

Council will only collect health information directly from the individual that the information concerns, unless it is unreasonable or impractical for Council to do so. (HPP 3).

Council will tell the person why the health information is being collected, what will be done with it, who else might see it and what the consequences are if the person decides not to provide it. Council will also tell the person how he or she can see and correct the health information.

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If Council collects health information about a person from someone else, Council will take reasonable steps to ensure that the subject of the information is aware of the above points (HPP 5).

Health Privacy Principle 5

Retention and Security

- (1) *An organisation that holds health information must ensure that:*
- (a) *the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and*
 - (b) *the information is disposed of securely and in accordance with any requirements for the retention and disposal of health information, and*
 - (c) *the information is protected, by taking such security safeguards as are reasonable in the circumstances against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and*
 - (d) *if it is necessary for the information to be given to a person in connection with the provision of a service to the organisation, everything reasonably within the power of an organisation is done to prevent the unauthorised use or disclosure of the information.*

Note. Division 2 (Retention of health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause.

- (2) *An organisation is not required to comply with a requirement of this clause if:*
- (a) *the organisation is lawfully authorised or required not to comply with it, or*
 - (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).*
- (3) *An investigative agency is not required to comply with subclause (1)(a).*

Council Policy

Council will store health information securely and protect health information from unauthorised access, use or disclosure. Health information will not be kept for any longer than is necessary and will be disposed of appropriately (HPP 5).

Health Privacy Principle 6

Information about health information held by organisations

- (1) *An organisation that holds health information must take such steps as are, in the circumstances, reasonable, to enable any individual to ascertain:*
- (a) *whether the organisation holds health information, and*
 - (b) *whether the organisation holds health information relating to that individual, and*
 - (c) *if the organisation holds health information relating to that individual:*
 - (i) *the nature of that information*
 - (ii) *the main purposes for which the information is used, and*
 - (iii) *that person's entitlement to request access to the information.*
- (2) *An organisation is not required to comply with a provision of this clause if:*

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- (a) *the organisation is lawfully authorised or required not to comply with the provision concerned, or*
- (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under any Act or any other law (including the State Records Act 1998).*

Health Privacy Principle 7

Access to health information

- (1) *An organisation that holds health information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.*

Note. Division 3 (Access to health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause. Access to health information held by public sector agencies may also be available under the Government Information (Public Access) Act 2009 or the State Records Act 1998.

- (2) *An organisation is not required to comply with a provision of this clause if:*
 - (a) *the organisation is lawfully authorised or required not to comply with the provision concerned, or*
 - (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).*

Health Privacy Principle 8

Amendment of health information

- (1) *An organisation that holds health information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the health information:*
 - (a) *is accurate, and*
 - (b) *having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to day, complete and not misleading.*

- (2) *If an organisation is not prepared to amend health information under subclause (1) in accordance with a request by the individual to whom the information relates, the organisation must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.*

- (3) *If health information is amended in accordance with this clause, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the organisation.*

Note. Division 4 (Amendment of health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause.

Amendment of health information held by public sector agencies may also be able to be sought under the Privacy and Personal Information Protection Act 1998.

- (4) *An organisation is not required to comply with a provision of this clause if:*
 - (a) *the organisation is lawfully authorised or required not to comply with the provision*

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- concerned, or
- (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).*

Health Privacy Principle 9

Accuracy

An organisation that holds health information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate and up to date, complete and not misleading.

Council Policy

Council will provide details about what health information Council is holding about an individual and with information about why Council is storing that information and what rights of access the individual has (HPP 6).

Council will allow the individual to access his or her health information without reasonable delay or expense (HPP 7).

Council will allow the individual to update, correct or amend his or her health information where necessary (HPP 8).

Council will make sure that the health information is relevant and accurate before using it (HPP 9).

Health Privacy Principle 10

- (1) *An organisation that holds health information must not use the information for a purpose (a **secondary purpose**) other than the purpose (the **primary purpose**) for which it was collected unless:*

(a) **Consent**

the individual to whom the information relates has consented to the use of the information for that secondary purpose, or

(b) **Direct relation**

the secondary purpose is directly related to the primary purpose and the individual would reasonably expect the organisation to use the information for the secondary purpose or,

Note: For example, if information is collected in order to provide a health service to the individual, the use of the information to provide a further health service to the individual is a secondary purpose directly related to the primary purpose.

(c) **Serious threat to health or welfare**

the use of the information for the secondary purpose is reasonably believed by the organisation to be necessary to lessen or prevent:

- (i) *a serious and imminent threat to the life, health or safety of the individual or another person, or*
(ii) *a serious threat to public health and safety, or*

(d) **Management of health services**

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the use of the information for the secondary purpose is reasonably necessary for the funding, management, planning or evaluation of health services and:

- (i) either:*
 - (A) that purpose cannot be served by the use of information that does not identify the individual or from which the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or*
 - (B) reasonable steps are taken to de-identify the information, and*
- (ii) if the information is in a form that could reasonably be expected to identify individuals, the information is not published in a generally available publication, and*
- (iii) the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*

(e) Training

the use of the information for the secondary purpose is reasonably necessary for the training of employees of the [organisation](#) or persons working with the [organisation](#) and:

- (i) either:*
 - (A) that purpose cannot be served by the use of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the [organisation](#) to seek the consent of the individual for the use, or*
 - (B) reasonable steps are taken to de-identify the information, and*
- (ii) if the information could reasonably be expected to identify individuals, the information is not published in a [generally available publication](#), and*
- (iii) the use of the information is in accordance with [guidelines](#), if any, issued by the [Privacy Commissioner](#) for the purposes of this paragraph, or*

(f) Research

the use of the information for the secondary purpose is reasonably necessary for research, or the compilation or analysis of statistics, in the public interest and:

- (i) either:*
 - (A) that purpose cannot be served by the use of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the [organisation](#) to seek the consent of the individual for the use, or*
 - (B) reasonable steps are taken to de-identify the information, and*
- (ii) if the information could reasonably be expected to identify individuals, the information is not published in a [generally available publication](#), and*
- (iii) the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purpose of this paragraph, or*

(g) Find missing person

the use of the information for the secondary purpose is by a [law enforcement agency](#) (or such other person or [organisation](#) as may be prescribed by the regulations) for the purposes of ascertaining the whereabouts of an individual who has been reported to a police officer as a missing person, or

(h) Suspected unlawful activity, unsatisfactory professional conduct or breach of discipline

the [organisation](#):

- (i) has reasonable grounds to suspect that:*
 - (A) unlawful activity has been or may be engaged in, or*

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- (B) a person has or may have engaged in conduct that may be unsatisfactory professional conduct or professional misconduct under a [the Health Practitioner Regulation National Law \(NSW\)](#), or
 - (C) an employee of the [organisation](#) has or may have engaged in conduct that may be grounds for disciplinary action, and
 - (ii) uses the [health information](#) as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, or
 - (i) **Law enforcement**
the use of the information for the secondary purpose is reasonably necessary for the [exercise](#) of law enforcement [functions](#) by law enforcement agencies in circumstances where there are reasonable grounds to believe that an offence may have been, or may be, committed, or
 - (j) **Investigative agencies**
the use of the information for the secondary purpose is reasonably necessary for the [exercise](#) of complaint handling [functions](#) or investigative [functions](#) by investigative agencies, or
 - (k) **Prescribed circumstances**
the use of the information for the secondary purpose is in the circumstances prescribed by the regulations for the purposes of this paragraph.
- (2) An organisation is not required to comply with a provision of this clause if:
- (a) the organisation is lawfully authorised or required not to comply with the provision concerned, or
 - (b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the [State Records Act 1998](#)).
- (3) The Ombudsman's Office, Health Care Complaints Commission, Anti-Discrimination Board and Community Services Commission are not required to comply with a provision of this clause in relation to their complaint handling functions and their investigative, review and reporting functions.
- (4) Nothing in this [clause](#) prevents or restricts the disclosure of [health information](#) by a [public sector agency](#):
- (a) to another [public sector agency](#) under the administration of the same Minister if the disclosure is for the purposes of informing that Minister about any matter within that administration, or
 - (b) to any [public sector agency](#) under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.
- (5) The exemption provided by subclause (1) (j) extends to any [public sector agency](#), or [public sector official](#), who is investigating or otherwise handling a complaint or other matter that could be referred or made to an [investigative agency](#), or that has been referred from or made by an [investigative agency](#).

Council policy

Council will only use the health information for the purpose for which it was collected or for a directly related purpose that the individual to whom the information relates would expect. Otherwise, Council will obtain the individual's consent (HPP 10).

Health Privacy Principle 11

- (1) An [organisation](#) that holds [health information](#) must not disclose the information for a purpose (a **secondary purpose**) other than the purpose (the **primary purpose**) for which it was collected unless:

(a) **Consent**

the individual to whom the information relates has consented to the disclosure of the information for that secondary purpose, or

(b) **Direct relation**

the secondary purpose is directly related to the primary purpose and the individual would reasonably expect the [organisation](#) to disclose the information for the secondary purpose, or

Note: For example, if information is collected in order to provide a health service to the individual, the disclosure of the information to provide a further health service to the individual is a secondary purpose directly related to the primary purpose.

(c) **Serious threat to health or welfare**

the disclosure of the information for the secondary purpose is reasonably believed by the [organisation](#) to be necessary to lessen or prevent:

- (i) a serious and imminent threat to the life, health or safety of the individual or another person, or*
- (ii) a serious threat to public health or public safety, or*

(d) **Management of health services**

the disclosure of the information for the secondary purpose is reasonably necessary for the funding, management, planning or evaluation of [health services](#) and:

(i) either:

- (A) that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the [organisation](#) to seek the consent of the individual for the disclosure, or*
- (B) reasonable steps are taken to de-identify the information, and*

- (ii) if the information could reasonably be expected to identify individuals, the information is not published in a [generally available publication](#), and*

- (iii) the disclosure of the information is in accordance with [guidelines](#), if any, issued by the [Privacy Commissioner](#) for the purposes of this paragraph, or*

(e) **Training**

the disclosure of the information for the secondary purpose is reasonably necessary for the training of employees of the [organisation](#) or persons working with the [organisation](#) and:

(i) either:

- (A) that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the [organisation](#) to seek the consent of the individual for the disclosure, or*
- (B) reasonable steps are taken to de-identify the information, and*

- (ii) if the information could reasonably be expected to identify the individual, the information is not made publicly available, and*

- (iii) the disclosure of the information is in accordance with [guidelines](#), if any, issued by the [Privacy Commissioner](#) for the purposes of this paragraph, or*

- (f) **Research**
the disclosure of the information for the secondary purpose is reasonably necessary for research, or the compilation or analysis of statistics, in the public interest and:
- (i) either:
 - (A) that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the [organisation](#) to seek the consent of the individual for the disclosure, or
 - (B) reasonable steps are taken to de-identify the information, and
 - (ii) the disclosure will not be published in a form that identifies particular individuals or from which an individual's identity can reasonably be ascertained, and
 - (iii) the disclosure of the information is in accordance with [guidelines](#), if any, issued by the [Privacy Commissioner](#) for the purposes of this paragraph, or
- (g) **Compassionate reasons**
the disclosure of the information for the secondary purpose is to provide the information to an [immediate family member](#) of the individual for compassionate reasons and:
- (i) the disclosure is limited to the extent reasonable for those compassionate reasons, and
 - (ii) the individual is incapable of giving consent to the disclosure of the information, and
 - (iii) the disclosure is not contrary to any wish expressed by the individual (and not withdrawn) of which the [organisation](#) was aware or could make itself aware by taking reasonable steps, and
 - (iv) if the [immediate family member](#) is under the age of 18 years, the [organisation](#) reasonably believes that the family member has sufficient maturity in the circumstances to receive the information, or
- (h) **Finding missing person**
the disclosure of the information for the secondary purpose is to a [law enforcement agency](#) (or such other person or [organisation](#) as may be prescribed by the regulations) for the purposes of ascertaining the whereabouts of an individual who has been reported to a police officer as a missing person, or
- (i) **Suspected unlawful activity, unsatisfactory professional conduct or breach of discipline**
the [organisation](#):
- (i) has reasonable grounds to suspect that:
 - (A) unlawful activity has been or may be engaged in, or
 - (B) a person has or may have engaged in conduct that may be unsatisfactory professional conduct or professional misconduct under a [the Health Practitioner Regulation National Law \(NSW\)](#), or
 - (C) an employee of the organisation has or may have engaged in conduct that may be grounds for disciplinary action, and
 - (ii) discloses the health information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, or
- (j) **Law enforcement**
the disclosure of the information for the secondary purpose is reasonably necessary for the [exercise](#) of law enforcement [functions](#) by law enforcement agencies in circumstances where there are reasonable grounds to believe that an offence may have been, or may be, committed, or
- (k) **Investigative agencies**

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the disclosure of the information for the secondary purpose is reasonably necessary for the [exercise](#) of complaint handling [functions](#) or investigative [functions](#) by investigative agencies, or

- (l) **Prescribed circumstances**
the disclosure of the information for the secondary purpose is in the circumstances prescribed by the regulations for the purposes of this paragraph.
- (2) An [organisation](#) is not required to comply with a provision of this [clause](#) if:
- (a) the [organisation](#) is lawfully authorised or required not to comply with the provision concerned, or
 - (b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the [State Records Act 1998](#)), or
 - (c) the [organisation](#) is an [investigative agency](#) disclosing information to another [investigative agency](#).
- (3) The Ombudsman's Office, [Health Care Complaints Commission](#), Anti-Discrimination Board and Community Services Commission are not required to comply with a provision of this [clause](#) in relation to their complaint handling [functions](#) and their investigative, review and reporting [functions](#).
- (4) Nothing in this [clause](#) prevents or restricts the disclosure of [health information](#) by a [public sector agency](#):
- (a) to another [public sector agency](#) under the administration of the same Minister if the disclosure is for the purposes of informing that Minister about any matter within that administration, or
 - (b) to any [public sector agency](#) under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.
- (5) If [health information](#) is disclosed in accordance with subclause (1), the person, body or [organisation](#) to whom it was disclosed must not use or disclose the information for a purpose other than the purpose for which the information was given to it.
- (6) The exemptions provided by subclauses (1) (k) and (2) extend to any [public sector agency](#), or [public sector official](#), who is investigating or otherwise handling a complaint or other matter that could be referred or made to an [investigative agency](#), or that has been referred from or made by an [investigative agency](#).

Council Policy

Council will only disclose health information under the following circumstances:

- With the consent of the individual to whom the information relates; or
- For the purpose for which the health information was collected or a directly related purpose that the individual to whom it relates would expect; or
- If an exemption applies (HPP 11).

Health Privacy Principle 12

Identifiers

- (1) An [organisation](#) may only assign [identifiers](#) to individuals if the assignment of [identifiers](#) is reasonably necessary to enable the [organisation](#) to carry out any of its [functions](#) efficiently.

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- (2) Subject to subclause (4), a [private sector person](#) may only adopt as its own [identifier](#) of an individual an [identifier](#) of an individual that has been assigned by a [public sector agency](#) (or by an agent of, or contractor to, a [public sector agency](#) acting in its capacity as agent or contractor) if:
- (a) the individual has consented to the adoption of the same [identifier](#), or
 - (b) the use or disclosure of the [identifier](#) is required or authorised by or under law.
- (3) Subject to subclause (4), a [private sector person](#) may only use or disclose an [identifier](#) assigned to an individual by a [public sector agency](#) (or by an agent of, or contractor to, a [public sector agency](#) acting in its capacity as agent or contractor) if:
- (a) the use or disclosure is required for the purpose for which it was assigned or for a secondary purpose referred to in one or more paragraphs of HPP 10 (1) (c)-(k) or 11 (1) (c)-(l), or
 - (b) the individual has consented to the use or disclosure, or
 - (c) the disclosure is to the [public sector agency](#) that assigned the [identifier](#) to enable the [public sector agency](#) to identify the individual for its own purposes.
- (4) If the use or disclosure of an [identifier](#) assigned to an individual by a [public sector agency](#) is necessary for a [private sector person](#) to fulfil its obligations to, or the requirements of, the [public sector agency](#), a [private sector person](#) may either:
- (a) adopt as its own [identifier](#) of an individual an [identifier](#) of the individual that has been assigned by the [public sector agency](#), or
 - (b) use or disclose an [identifier](#) of the individual that has been assigned by the [public sector agency](#).

Council Policy

Council will only give an identification number to health information if it is reasonably necessary for Council to carry out its functions effectively (HPP 12).

Health Privacy Principle 13

Anonymity

Wherever it is lawful and practicable, individuals must be given the opportunity to not identify themselves when entering into transactions with or receiving [health services](#) from an [organisation](#).

Council Policy

Council will provide health services anonymously where it is lawful and practical (HPP 13).

Health Privacy Principle 14

Transborder data flows and data flow to Commonwealth agencies.

An [organisation](#) must not transfer [health information](#) about an individual to any person or body who is in a jurisdiction outside New South Wales or to a [Commonwealth agency](#) unless:

- (a) the [organisation](#) reasonably believes that the recipient of the information is subject to a law, binding scheme or contract that effectively upholds principles for fair handling of the information that are substantially similar to the [Health Privacy Principles](#), or

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- (b) *the individual consents to the transfer, or*
- (c) *the transfer is necessary for the performance of a contract between the individual and the [organisation](#), or for the implementation of pre-contractual measures taken in response to the individual's request, or*
- (d) *the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the [organisation](#) and a third party, or*
- (e) *all of the following apply:*
 - (i) *the transfer is for the benefit of the individual,*
 - (ii) *it is impracticable to obtain the consent of the individual to that transfer,*
 - (iii) *if it were practicable to obtain such consent, the individual would be likely to give it, or*
- (f) *the transfer is reasonably believed by the organisation to be necessary to lessen or prevent:*
 - (i) *a serious and imminent threat to the life, health or safety of the individual or another person, or*
 - (ii) *a serious threat to public health or public safety, or*
- (g) *the [organisation](#) has taken reasonable steps to ensure that the information that it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the [Health Privacy Principles](#), or*
- (h) *the transfer is permitted or required by an Act (including an Act of the Commonwealth) or any other law.*

Council Policy

Council will only transfer personal information out of New South Wales if the requirements of Health Privacy Principle 14 are met.

Health Privacy Principle 15

Linkage of health records

- (1) *An [organisation](#) must not:*
 - (a) *include [health information](#) about an individual in a health records linkage system unless the individual has expressly consented to the information being so included, or*
 - (b) *disclose an [identifier](#) of an individual to any person if the purpose of the disclosure is to include [health information](#) about the individual in a health records linkage system, unless the individual has expressly consented to the [identifier](#) being disclosed for that purpose.*
- (2) *An [organisation](#) is not required to comply with a provision of this [clause](#) if:*
 - (a) *the [organisation](#) is lawfully authorised or required not to comply with the provision concerned, or*
 - (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the [State Records Act 1998](#)), or*
 - (c) *the inclusion of the [health information](#) about the individual in the health records information system (including an inclusion for which an [identifier](#) of the individual is to be disclosed) is a use of the information that complies with HPP 10 (1) (f) or a disclosure of the information that complies with HPP 11 (1) (f).*
- (3) *In this clause:*

health record means an ongoing record of [health care](#) for an individual.

health records linkage system means a computerised system that is designed to link health records for an individual held by different [organisations](#) for the purpose of facilitating access to health records, and includes a system or class of systems prescribed by the regulations as being a health records linkage system, but does not include a system or class of systems prescribed by the regulations as not being a health records linkage system.

Council Policy

Council will only include health information in a system to link health records across more than one organisation if the individual to whom the health information relates expressly consents to the link (HPP 15).

PART 5 – IMPLEMENTATION OF THE PRIVACY MANAGEMENT PLAN

5.1 Training Seminars/Induction

During induction, all employees should be made aware that the performance management system has the potential to include personal information on their individual work performance or competency.

Councillors, all staff of the Council including staff of council businesses, and members of council committees should be acquainted with the general provisions of the PPIPA, the HRIPA and in particular, the 12 Information Protection Principles (IPPs), the 15 Health Privacy Principles (HPPs), the Public Register provisions, the Privacy Code of Practice for Local Government, this Plan and any other applicable Code of Practice.

5.2 Responsibilities of the Privacy Contact Officer

It is assumed that the Public Officer within Council will be assigned the role of the Privacy Contact Officer unless the General Manager has directed otherwise.

In order to ensure compliance with PPIPA and the HRIPA, the Privacy Contact Officer will review all contracts and agreements with consultants and other contractors, rates notices, application forms of whatsoever nature, and other written requests by which personal information is collected by Council, to ensure that Council is in compliance with the PPIPA.

Interim measures to ensure compliance with IPP 3 in particular may include the creation of stamps or printed slips that contain the appropriate wording (see Appendices 2 and 3).

The Privacy Contact Officer will ensure Council in its public areas has special provisions for working with computer screens. Computer screens may require:

- fast screen savers;
- face the computers away from the public; or
- only allow the record system to show one record at a time.

Council's electronic databases should also be reviewed to ensure that they contain procedures and protocols to check the accuracy and currency of personal and health information.

The Privacy Contact Officer will also provide opinions within Council as to:

- (i) Whether the personal or health information is collected for a lawful purpose;
- (ii) If that lawful purpose is directly related to a function of Council; and
- (iii) Whether or not the collection of that personal or health information is reasonably necessary for the specified purpose.

Any further concerns of a legal nature will be referred to Council's solicitor.

Should the Council require, the Privacy Contact Officer may assign designated officers as "Privacy Resource Officers", within the larger departments of Council. In this manner the Council may ensure that the information protection principles are more broadly understood and that individual departments have a greater focus on the information protection principles and are directly applied to Council's day to day functions.

5.3 *Distribution of information to the public*

Council may prepare its own literature such as pamphlets on the PPIPA, HRIPA or it may obtain and distribute copies of literature available from the Office of the Privacy Commissioner NSW.

PART 6 – INTERNAL REVIEW

6.1 *How does the process of Internal Review operate?*

Under section 53 of the PPIPA a person (the applicant) who is aggrieved by the conduct of a council is entitled to a review of that conduct. An application for internal review is to be made within **6 months** of when the person first became aware of the conduct.

The application is to be in writing and addressed to Council's Privacy Contact Officer. The Privacy Contact Officer will appoint a Reviewing Officer to conduct the internal review. The Reviewing Officer must not be substantially involved in any matter relating to the application. The Reviewing Officer must be an employee and suitability qualified.

The review must be completed as soon as is reasonably practicable in the circumstances. If the review is not completed within **60 days** of the lodgement, the applicant is entitled to seek external review.

The Council must notify the Privacy Commissioner of an application as soon as practicable after its receipt, keep the Commissioner informed of the progress of the

application and inform the Commissioner of the findings of the review and of the action it proposes to take in relation to the application.

The Privacy Commissioner is entitled to make submissions in relation to internal reviews and the council is required to consider any relevant material submitted by the Privacy Commissioner. The Council must provide the Privacy Commissioner with a draft of the council's internal review report to enable the Privacy Commissioner to make a submission.

Council may provide a copy of any submission by Privacy Commissioner's to the applicant.

The Council must notify the applicant of the outcome of the review within **14 days** of its determination. A copy of the final review should also be provided to the Privacy Commissioner where it departs from the draft review.

An internal review checklist has been prepared by the Office of the Privacy Commissioner NSW and can be accessed from its website <http://www.ipc.nsw.gov.au>.

The Privacy Commissioner must be notified of a complaint, briefed on progress and notified of the outcome of an internal review under the PPIPA or HRIPA.

6.2 *What happens after an Internal Review?*

If the complainant remains unsatisfied, he/she may appeal to the Administrative Decisions Tribunal which hears the matter afresh and may impose its own decision and can make a range of orders including an award of damages for a breach of an information protection principle or a health privacy principle.

PART 7 – OTHER RELEVANT MATTERS

7.1 *Contracts with consultants and other private contractors*

It is necessary to have specific provisions to protect the Council in any dealings with private contractors.

7.2 *Confidentiality*

The obligation of confidentiality is additional to and separate from that of privacy. Nevertheless, a duty to withhold information lies at the heart of both concepts. Confidentiality attaches to information per se, personal or health information to the person to whom that information relates.

An obligation of confidentiality exists for all employees whether express or implied as a matter of law.

Information which may be confidential is also likely to have a separate and independent obligation attaching to it in the form of privacy and in that regard, a release for the purposes of confidentiality will not suffice for privacy purposes. Two

Finance and Administration
PRIVACY MANAGEMENT PLAN cont'd

separate releases will be required and, in the case of privacy, the person to whom the information relates will be required to provide the release.

7.3 Misuse of personal or health information

Section 664 of the LGA makes it an offence for anyone to disclose information except in accordance with that section. Whether or not a particular disclosure is made with lawful excuse is a matter that requires legal opinion from case to case.

7.4 Regular review of the collection, storage and use of personal or health information

The information practices relating to the collection, storage and use of personal or health information will be reviewed by the Council every three (3) years. Any new program initiatives will be incorporated into the review process with a view to ascertaining whether or not those programs comply with the PPIPA.

7.5 Regular review of Privacy Management Plan

When information practices are reviewed from time to time, the Privacy Management Plan will also be reviewed to ensure that the Plan is up to date.

7.6 Further information

For assistance in understanding the processes under the PPIPA and HRIPA, please contact the Council or the Office of the Privacy Commissioner NSW.

PART 8 – APPENDICES

**APPENDIX 1: STATUTORY DECLARATION FOR ACCESS UNDER
SECTION 57 OF THE PRIVACY AND PERSONAL INFORMATION
PROTECTION ACT 1998 TO A PUBLIC REGISTER HELD BY COUNCIL**

Statutory Declaration
Oaths Act, 1900, Ninth Schedule

I, the undersigned ⁽¹⁾

(1) insert full name

of ⁽²⁾

(2) insert address

in the State of New South Wales, do solemnly and sincerely declare that:

I am ⁽³⁾

(3) insert relationship, if
any, to person inquired
about

I seek to know whether ⁽⁴⁾

(4) insert name

is on the public register of ⁽⁵⁾

(5) Applicant to describe

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PRIVACY MANAGEMENT PLAN cont'd

.....
The purpose for which I seek this information is ⁽⁶⁾

the relevant public
public register
(6) insert purpose for
seeking information

.....
The purpose for which the information is required is to ⁽⁷⁾

(7) insert purpose

.....
**And I make this solemn declaration conscientiously believing the same to be true and
by virtue of the Oaths Act 1994.**

.....
Signature of Applicant

Declared at:

in the said State this day of 20

before me.

.....
Signature of Justice of the Peace/Solicitor

.....
Name of Justice of the Peace/Solicitor to be printed

Appendix 2: Privacy Notification Form - Section 10 (Pre – Collection)

(Addressed to the person from whom information is about to be collected or has been collected.)

The personal information that Council is collecting from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 (PPIPA).

The intended recipients of the personal information are:

- officers within the Council;
- data service providers engaged by the Council from time to time;
- any other agent of the Council; and
- (INSERT NAME OF OTHER INTENDED RECIPIENTS)

The supply of information by you is: ☐ Voluntary ☐ Not voluntary

If you cannot provide, or do not wish to provide, the information sought, the Council
☐ maybe unable to process your application.

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PRIVACY MANAGEMENT PLAN cont'd

 will be unable to process your application.

Council is collecting this personal information from you in order to:

You may make application for access or amendment to information held by Council.

You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PIPA.

Council is to be regarded as the agency that holds the information. However, if it **is not** Council who holds or controls the information, please state below who does:

(INSERT NAME OF AGENCY WHO HOLDS OR CONTROLS THE INFORMATION)

Enquiries concerning this matter can be addressed to:

Signature _____

Name to be printed

Date signed _____ / _____ / _____

Appendix 3: Privacy Notification Form - Section 10 (Post – Collection)

(Addressed to the person from whom information has been collected.)

The personal information that Council has collected from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 (PPIPA).

The intended recipients of the personal information are:

- officers within the Council;
- data service providers engaged by the Council from time to time;
- any other agent of the Council; and

• (INSERT NAME OF OTHER INTENDED RECIPIENTS)

The supply of information by you is: ☒ Voluntary ☐ Not voluntary

If you cannot provide, or do not wish to provide, the information sought, the Council may:

Council has collected this personal information from you in order to:

You may make application for access or amendment to information held by Council.

You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PIPA.

Council is to be regarded as the agency that holds the information. However, if it **is not** Council who holds or controls the information, please state below who does:

(INSERT NAME OF AGENCY WHO HOLDS OR CONTROLS THE INFORMATION)

Enquiries concerning this matter can be addressed to:

Signature

Name to be printed

Date signed

/ /

Appendix 4: Application under Section 13 of the Privacy and Personal Information Protection Act 1998: To determine whether Council holds personal information about a person.

Personal information held by the Council

I, (1)

(1) insert full name

of (2)

(2) insert address

Hereby request the General Manager of (3)

(3) insert name of Council

provide the following:

• Does the Council hold personal information about me? ☐ Yes ☐ No

• If so, what is the nature of that information? _____

• What is the main purpose for holding the information? _____

Finance and Administration
PRIVACY MANAGEMENT PLAN cont'd

- Am I entitled to access the information?

☐ Yes

☐ No

My address for response to this application is:

State: _____

Post Code: _____

Note to applicants

Council **will not** record your address or any other contact details that you provide for any other purpose other than to respond to your application.

As an applicant, you have a right of access to personal information concerning yourself that is held by the Council under section 14 of the Privacy and Personal Information Protection Act 1998 (PPIPA). There is a separate application form to gain access.

The Council may refuse to process this application in part or in whole if:

- there is an exemption to section 13 of the PPIPA; or
- a Code of Practice may restrict the operation of section 14.

Enquiries concerning this matter can be addressed to:

Appendix 5: Application under section 14 of the Privacy And Personal Information Protection Act 1998: For access to Applicant's Personal Information

Personal information held by the Council

I, ⁽¹⁾ _____

(1) insert full name

of ⁽²⁾ _____

(2) insert address

Hereby request that the ⁽³⁾ _____

(3) insert name of Council

Provide me with:

- ☐ (a) access to all personal information held concerning myself; or
- ☐ (b) access to the following personal information only (**LIST INFORMATION REQUIRED BELOW**):

My address for response to this application is:

State: _____

Post Code: _____

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PRIVACY MANAGEMENT PLAN cont'd

Note to applicants

As an applicant, you have a right of access to personal information concerning yourself that is held by the Council under section 14 of the Privacy and Personal Information Protection Act 1998 (PPIPA).

You are entitled to have access without excessive delay or cost.

Council may refuse to process your application in part, or in whole, if:

- the correct amount of fees has not been paid;
- there is an exemption to section 14 of the PPIPA; or
- a Code of Practice may restrict disclosure.

Enquiries concerning this matter can be addressed to:

Appendix 6: Application under section 15 of the Privacy and Personal Information Protection Act 1998: For alteration of Applicant's Personal Information

Personal information held by the Council

I, (1)

(1) insert full name

of (2)

(2) insert address

Hereby request that the⁽³⁾

(3) insert name of Council

alter personal information regarding myself in the following manner:

- I propose the following changes: _____
- The reasons for the changes are as follows: _____
- The documentary bases for those changes is as shown on the attached documents

Note to Applicants :

You have a right to request appropriate amendments are made (whether by way of corrections, deletions or additions) to ensure that the personal information held by the Council:

- (a) is accurate, and
- (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up-to-

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PRIVACY MANAGEMENT PLAN cont'd

date, complete and not misleading.

If Council is not prepared to amend the personal information in accordance with a request by you, Council must take such steps as are reasonable to attach to the information in such a manner as is capable of being read with the information, any statement provided by you.

If your personal information is amended, you are entitled under the Privacy and Personal Information Protection Act 1998 (PPIPA), if it is reasonably practicable, to have recipients of that information notified of the amendments made by Council.

Council may refuse to process your application in part, or in whole, if:

- there is an exemption to section 15 of the PPIPA; or
- a Code of Practice may restrict alteration.

Enquiries concerning this matter can be addressed to: _____

POLICY IMPACT

Review of the existing Council Privacy Management Plan.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council adopts the reviewed Privacy Management Plan.

ATTACHMENTS

Nil

Finance and Administration - 15 June 2017

ITEM 11.6 Related Parties Disclosures Policy

FILE REFERENCE I17/291

AUTHOR Director of Finance and Administration

ISSUE

Reporting a new Related Parties Disclosures Policy for adoption by Upper Lachlan Shire Council.

RECOMMENDATION That -

1. Council adopts the Related Parties Disclosures Policy.

BACKGROUND

From 1 July 2016, Council is required to disclose Related Party Relationships and Transactions as well as Key Management Personnel compensation in its annual Financial Statements in accordance with the Accounting Standard AASB 124 and Note 28 to the 2016/2017 Council Financial Statements.

REPORT

The purpose of this policy is to:-

1. Define the parameters for Related Party Relationships and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124.
2. Ensure that Council's Related Party Relationships are disclosed, irrespective of whether there have been transactions between the parties.

The Australian Accounting Standard AASB 124 'Related Party Disclosures' was adopted by the Australian Accounting Standard Board. AASB 124 states '*The objective of this Standard is to ensure that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties*'.

Since 2009 the corporate sector has been required to make Related Party Disclosures however Not for Profit Organisations such as State and Local Government were not affected. The application of AASB 124 now applies to all Not for Profit entities from 1 July 2016 as determined in the NSW Office of Local Government 'Local Government Code of Accounting Practice and Financial Reporting (Guidelines) update number 25'.

Finance and Administration**RELATED PARTIES DISCLOSURES POLICY** cont'd

Council is now required to disclose Related Party Relationships for Councillors (including past Councillors who held office in the period of 1 July 2016 and 30 June 2017, inclusive) and other Key Management Personnel being the General Manager, Director of Finance and Administration, Director of Environment and Planning and Director of Works and Operations.

The objective of this policy is to ensure that Upper Lachlan Shire Council's Financial Statements contain the necessary related party disclosures, thereby ensuring transparency in dealings and their effect on Council's financial reports. It also defines the parameters for Related Party Relationships and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124.

The NSW Audit Office will externally audit the new Note 28, to the 2016/2017 Financial Statements, to ensure the requirements of AASB 124 are met by Councillors and Key Management Personnel.

It is required that Council's Related Party Relationships are disclosed, irrespective of whether there have been transactions between them.

POLICY:-	
Policy Title:	Related Party Disclosures Policy
File Reference:	F10/618-05
Date Policy was adopted by Council initially:	15 June 2017
Resolution Number:	XXX/17
Other Review Dates:	N/A
Resolution Number:	N/A
Current Policy adopted by Council:	N/A
Resolution Number:	N/A
Next Policy Review Date:	2020

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

OBJECTIVE

To ensure compliance with the provisions of Australian Accounting Standard AASB 124 regarding the disclosure of Related Parties, Related Party Relationships and Related Party Transactions.

PURPOSE

The purpose of this policy is to:-

1. Define the parameters for Related Party Relationships and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124; and
2. Ensure that Council's Related Party Relationships are disclosed, irrespective of whether there have been transactions between the parties.

Definitions

AASB 10 – the Australian Accounting Standards Board - Consolidated Financial Statements – details the criteria for determining whether Council has significant influence over an entity.

AASB 11 – the Australian Accounting Standards Board - Joint Arrangements - details the criteria for determining whether Council has significant influence over an entity.

AASB 124 - the Australian Accounting Standards Board - Related Party Disclosures Standard under Section 334 of the *Corporations Act 2001* – details that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

AASB 128 – the Australian Accounting Standards Board - Investments in Associates and Joint Ventures - details the criteria for determining whether Council has significant influence over an entity.

Close family members or close members of the family - in relation to a KMP, family members who may be expected to influence, or be influenced by that KMP in their dealings with Council will include:-

- a) That person's children and spouse or domestic partner;
- b) Children of that person's spouse or domestic partner; and
- c) Dependants of that person or that person's spouse or domestic partner.

For the purpose of AASB 124, close family members could include extended members of a family (such as, without limitation, parents, siblings, grandparents, uncles/aunts or cousins) *if* they could be expected to influence, or be influenced by, the KMP in their dealings with Council.

Entity - can include a body corporate, a partnership or a trust, incorporated association, or unincorporated group or body.

Key Management Personnel (KMP) - are those persons having the authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including Councillors, the General Manager and Directors of Upper Lachlan Shire Council.

Material (materiality) - means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis of an entity's financial statements. For the purpose of this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

Ordinary Citizen Transaction - means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.

Related Party (related party relationships) - a person or entity that is related to the entity preparing its financial statements (reporting entity).

Related Party Transaction - is a transfer of resources, services or obligations between a Council and a related party, regardless of whether a price is charged. Such transactions may include:-

- Purchase or sale of goods,
- Purchase or sale of property and other assets,
- Rendering or receiving of services,
- Leases,
- Quotations and/or tenders,
- Commitments,
- Settlements of liabilities on behalf of Councillor by Council on behalf of the related party.

Remuneration - means remuneration package and includes any money, consideration or benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a Related Party Transaction.

Significant (significance) - means likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/taxpayer relationship.

The Act - *the Local Government Act 1993*

The Regulation - *the Local Government (General) Regulation 2005*

POLICY

Introduction

From 1 July 2016, Council is required to disclose Related Party Relationships and Transactions as well as Key Management Personnel (KMP) compensation in its Annual Financial Statements in accordance with the Accounting Standard AASB 124.

The objective of this policy is to ensure that Upper Lachlan Shire Council's Financial Statements contain the necessary related party disclosures, thereby ensuring transparency in dealings and their effect on Council's financial reports. These disclosures draw attention to the possibility that Council's financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

The key assessment is whether knowledge of the relationship and terms and conditions could influence a user's understanding of the impact on the financial statements.

Policy Statement

Council is committed to responsible corporate governance, including compliance with laws and regulations governing related party transactions.

Related party relationships are a normal feature of commerce and business. For example, entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.

A related party relationship could influence the normal business operations of Council even if related party transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the Council with other parties. For example, goods may be supplied to Council on terms that might not be offered to other customers.

For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with related parties) may affect assessments of Council's operations.

AASB 124 provides that Council must disclose all material and significant related party transactions and outstanding balances, including commitments, in its Annual Financial Statements. Generally, disclosure will only be made where a transaction

Finance and Administration

RELATED PARTIES DISCLOSURES POLICY cont'd

has occurred between Council and a related party of Council. In addition, the transaction must be material in nature or size when considered individually or collectively.

The Australian Accounting Standards Board advised in its April 2017 Agenda Decision *'the board considers there is little value in an entity incurring significant costs to obtain data that is immaterial for disclosure, and accordingly, the Board does not expect information to be collected unless it could be material for disclosure'*.

When assessing whether such transactions are significant the following factors will be taken into consideration:-

- Significance in terms of size
- Was it carried out on non-market terms
- Is it outside normal day-to-day Council operations
- Was it subject to Council approval
- Did it provide a financial benefit not available to the general public
- Was the transaction likely to influence decisions of users of the annual Financial Statements

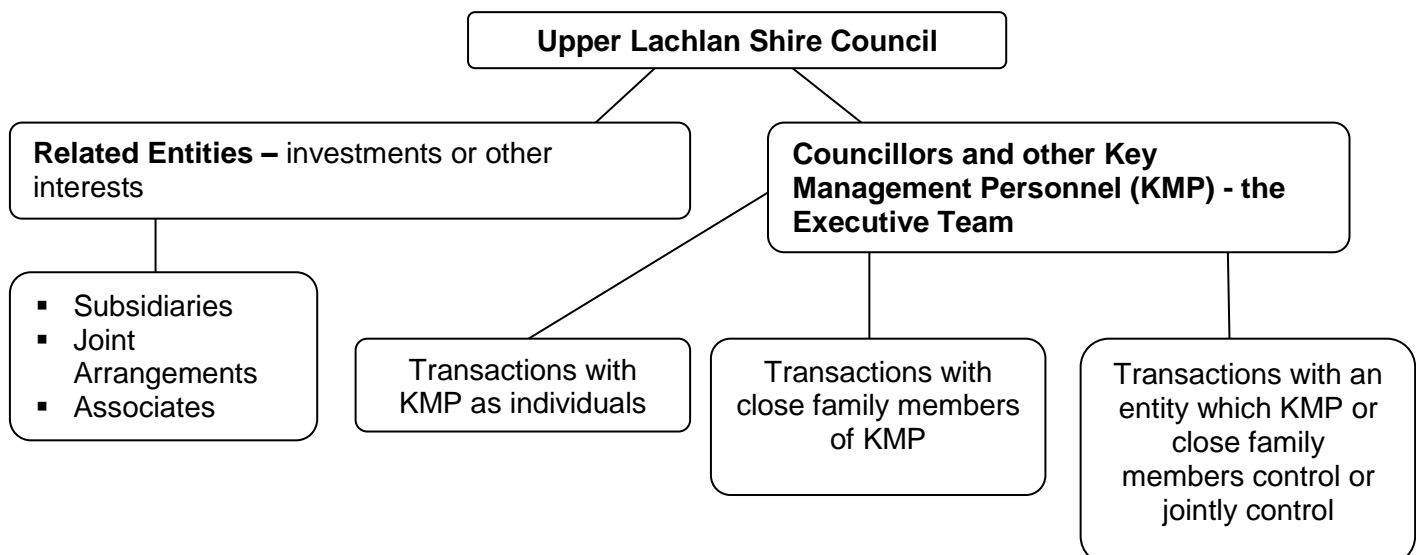
Regard must also be given to transactions that are collectively but not individually significant.

To enable Council to comply with AASB 124, Council's KMP are required to declare full details of any Related Parties and Related Party Transactions. Such information will be retained and reported, where necessary, in Council's annual Financial Statements.

Related Parties

Related parties of Council are as follows:-

- Entities related to Council
- Key Management Personnel (KMP) of Council
- Close family members of KMP
- Entities that are controlled or jointly controlled by KMP, or their close family members



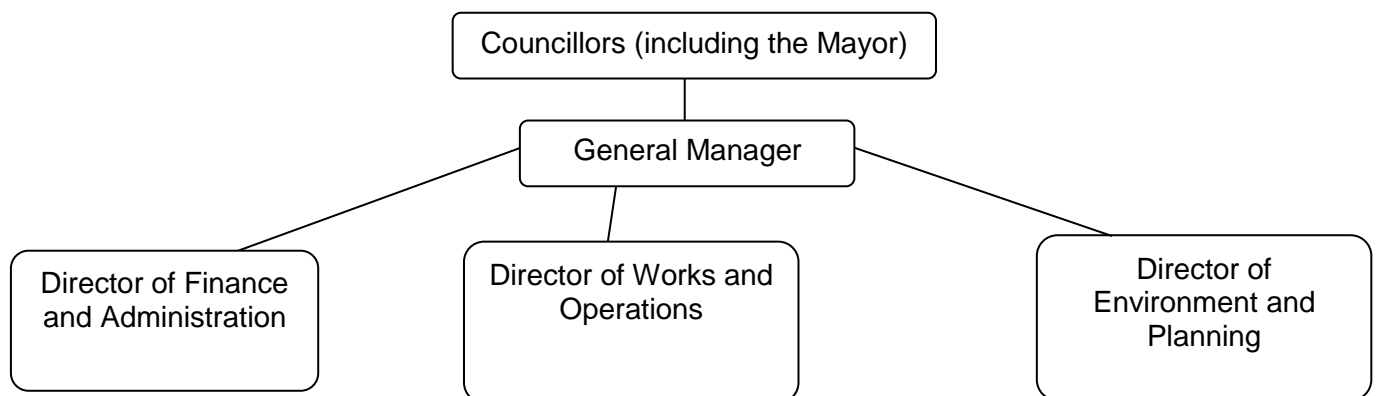
Entities Related to Council

Entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council. Council will need to identify transactions with these entities and may need to make extra disclosure about them in Council's financial statements. When assessing whether Council has control or joint control over an entity Council must consider AASB 10 and AASB 11. AASB 128 details the criteria for determining whether Council has significant influence over an entity.

Council's Contracts Register, Leases and License Register and the Schedule of Debts Written Off will be reviewed to identify related party transactions/parties. This information will be included in the related party register which will include all joint arrangements and updated on an annual basis.

Key Management Personnel (KMP)

The following chart identifies KMP of Upper Lachlan Shire Council:-



Close Family Members of KMP

Those close family members, or close members of the family, of a KMP are family members who may be expected to influence, or be influenced by, that person in their dealings with Council.

Entities that are Controlled or Jointly Controlled by KMP or their Close Family Members

Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.

The following table will assist in identifying close family members:

Definitely a close family member	Maybe a close family member
Your spouse/domestic partner	Your brothers and sisters, if they could be expected to influence, or be influenced by, you in their dealings with Council

Definitely a close family member	Maybe a close family member
Your children	Your aunts, uncles and cousins, if they could be expected to influence, or be influenced by, you in their dealings with Council
Your dependants	Your parents and grandparents, if they could be expected to influence, or be influenced by, you in their dealings with Council
Children of your spouse/domestic partner	Your nieces and nephews, if they could be expected to influence, or be influenced by, you in their dealings with Council
Dependants of your spouse/domestic partner	Any other member of your family if they could be expected to influence, or be influenced, by you in their dealings with Council

DISCLOSURE

Council Disclosure

AASB 124 provides that Council must disclose all material and significant related party transactions in its annual Financial Statements by aggregate or general description and include the following details:-

- The nature of the related party relationship
- Relevant information about the transactions including:-
 - the amount of the transaction
 - the amount of outstanding balances, including commitments
 - their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in the settlement
 - details of any guarantee given or received
 - provision for doubtful debts related to the amount of outstanding balances
 - the expense recognised during the period in respect of bad or doubtful debts due from related parties.

All required transactions involving related parties will be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are ordinary citizen transactions, and to determine the significance of each of the transactions.

Generally, transactions with amounts receivable from and payable to the KMP or their related parties which:-

- Occur within normal employee, customer or supplier relationships and at arm's length
- Are not material or significant

These shall be excluded from detailed disclosures; they will be disclosed in the Financial Statements by general description. Disclosures that Related Party Transactions were made on terms equivalent to an arms-length transaction can only be made if such terms can be substantiated.

Related Party and KMP Disclosure

The types of disclosure that are required are as follows:-

1. Relationships between a parent and its subsidiaries, irrespective of whether there have been transactions between them.
2. KMP Compensation (remuneration) relate to all forms of consideration paid, payable, or provided in exchange for services provided in total and for each of the following categories:-
 - Short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees
 - Post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care
 - Other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation
 - Termination benefits
3. Where related party transactions have occurred:-
 - The nature of the related party relationship
 - Information about the transactions, outstanding balances and commitments, including terms and conditions.
4. Separate disclosure for each category of the related party.
5. For the types of transactions to be disclosed refer to Related Party Transactions section.

KMP Declarations must be made annually by 30 June by using the Related Party Transaction Disclosure by KMP form (see Appendix A).

Note: these related party transaction notification requirements are in addition to the notifications KMP are required to make to comply with, such as:-

- For Councillors and KMP, the pecuniary interests and conflicts of interest obligations in the *Local Government Act 1993* and Code of Conduct.

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RELATED PARTIES DISCLOSURES POLICY cont'd

A related party transaction, as opposed to the Register of Pecuniary Interests, the related party and relationship must be disclosed for both the KMP and their close family member even if the same related party entity is held jointly or in common by them.

The New South Wales Audit Office shall audit related party information as part of the annual external audit.

Notifications by Key Management Personnel

In order to comply with the AASB 124, Council has adopted a policy that requires all members of its KMP to periodically provide notifications to the Manager of Finance and Administration of any existing or potential related party transactions between Council and any of their related parties during a financial year, and any changes to previously notified related party relationships and transactions relevant to the subject financial year.

KMPs must complete the related party relationships notification using the Key Management Personnel Form (see Appendix B), notifying any existing or potential related party relationships between Council and any related parties of the KMP, to the Manager of Finance and Administration by no later than the following periods during a financial year:-

- 30 days after the commencement of the application of this policy, and/or
- 30 days after a KMP commences their term or employment with Council.

Related Party Transactions

Related party transactions are required to be disclosed, regardless of whether a price is charged. Such transactions may include:-

- Purchase or sale of goods (finished or unfinished)
- Purchase or sale of property and other assets
- Rendering or receiving services
- Leases
- Transfers of research and development
- Transfers under licence agreements
- Transfers under finance arrangements (including loans and equity contributions in cash or in kind)
- Provision of guarantees or collateral
- Commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised)
- Quotations and/or tenders
- Settlements of liabilities on behalf of Council or by Council on behalf of the related party
- Expense recognised during the period in respect of bad debts
- Provision for doubtful debts relating to outstanding balances

Procedures

The method for identifying the close members and associated entities of KMP will be by KMP self-assessment. KMP have an ongoing responsibility to advise Council immediately of any related party transactions.

The preferred method of reporting is for KMPs to provide details of related parties and related party transactions to the Manager of Finance and Administration.

Information provided will be reviewed in accordance with the Council's operational requirements and held on a centralised register (Appendix D) held within the Finance and Administration Department.

Privacy and Access to Government Information (Public Access) Act 2009 (GIPA Act)

Information provided by KMPs and other related parties shall be held for the purpose of compliance with Council's legal obligation and shall be disclosed where required for compliance or legal reasons only.

Disclosures, Notifications and the Register are not available for public access under the GIPA Act.

Review

A review of KMP's and their related parties will be completed on adoption of this policy and then at intervals not exceeding twelve months.

This policy will also be reviewed when any of the following occur:

- Corporate restructure,
- The related legislation/documents are amended or replaced,
- As a result of changes to the Office of Local Government Local Government Code of Accounting Practice and Financial Reporting Guidelines,
- Changes to AASB 124.

LEGISLATIVE PROVISIONS

Reference should be made to the following legislation, guidelines and policy documents when reading this policy:-

AASB 10 - Consolidated Financial Statements;
AASB 11 - Joint Arrangements;
AASB 124 – Related Party Disclosures;
AASB 128 – Investments in Associates and Joint Ventures;
Corporations Act 2001;
Environmental Planning and Assessment Act 1979;
Government Information (Public Access) Act 2009;
Independent Commission against Corruption Act 1988 and ICAC Guidelines;
Local Government Act 1993;
Local Government (General) Regulations 2005;
Local Government Amendment (Governance and Planning) Act 2016;
Local Government Code of Accounting Practice and Financial Reporting Guidelines;

Finance and Administration

RELATED PARTIES DISCLOSURES POLICY cont'd

Local Government (State) Award 2014;
Office of Local Government Tendering Guidelines for NSW Local Government;
Ombudsman Act 1974 and Guidelines;
Privacy and Personal Information Protection Act 1998;
Public Interest Disclosures Act 1994;
State Records Act 1998;
Work Health and Safety Act 2011 and Regulations;
Code of Conduct for Councillors, staff, contractors and delegates of Council;
Council Bribes, Gifts and Benefits Policy;
Council Code of Business Practice;
Council Code of Meeting Practice;
Council Complaints Management Policy and Procedures;
Council Disciplinary Policy;
Council Fraud and Corruption Prevention Policy;
Council Government Information (Public Access) Policy;
Council Payment of Expenses and Provision of Facilities Policy;
Council Public Interest Disclosures – Internal Reporting Policy; and
Council Purchasing and Acquisition of Goods Policy and Procedures.

VARIATION

Council reserves the right to review, vary or revoke this policy.

Appendix A – Related Party Transactions Notification



RELATED PARTY TRANSACTION DISCLOSURE BY KEY MANAGEMENT PERSONNEL

Financial Year

Name of Key Management Person:

.....

Position of Key Management Person:

.....

Please read the Related Party Disclosures Policy provided with this notification, which explains what is a related party transaction and the purposes for which Council is collecting, and will use and disclose, the related party information provided by you in this notification.

Please complete the table below **for each Related Party Transaction with Council** that you, or a close member of your family, or an entity related to you or a close member of your family:

1. has previously entered into **and** which will continue in the financial year
2. has entered into, or is reasonably likely to enter into, in the financial year

Finance and Administration**RELATED PARTIES DISCLOSURES POLICY** cont'd

Related Party's Name (Individual's or entity's name)	Relationship	Nature of Transaction Existing or Potential	Dollar/Equivalent Value \$	Description of Transaction Documents

KMP Compensation (remuneration) in total and for each of the following categories:

Type of Remuneration	Short-term Employee Benefits \$	Post-Employment Benefits \$	Other long-term Benefits \$	Termination benefits \$

Finance and Administration

RELATED PARTIES DISCLOSURES POLICY cont'd

Note: Only the aggregate amount of KMP remuneration will be included in the Council Annual Financial Statements.

Disclosure

I.....
(Full name) (Position)

notify that, to the best of my knowledge, information and belief,

as at the date of this disclosure, the above information includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the financial year.

I make this disclosure after reading the Related Party Disclosures Policy provided by Upper Lachlan Shire Council, which details the meaning of the words “related party”, “Related Party Transaction”, “close members of the family of a person” and, in relation to an entity, “control” or “joint control”, and the purposes for which this information will be used and disclosed.

I permit the Manager of Finance and Administration and the other permitted recipients specified in Council’s Related Party Disclosure Policy to access the register of interests in relation to me and persons related to me and to use the information for the purposes specified in that policy.

Signature of named Key Management Person:

Dated:

Appendix B – Examples of Related Parties and Transactions



EXAMPLES – RELATED PARTIES AND TRANSACTIONS

Some specific examples of related party transactions may include:

- paying rates and utility charges in accordance with Council's schedule of Fees and Charges
- using Council's public facilities after paying the corresponding fees:
- entering into leases with Council or Council owned properties
- entering into contracts to provide/receive goods/services to/from Council
- use of Council assets free of charge (e.g. office space for personal reasons)
- writing off debts due to/by related parties

Company that is a Related Party of Council – Example 1

Upper Lachlan Shire Council (ULSC) owns 90% of the shares in Upper Lachlan Regional Development Pty Ltd (the Company).

ULSC has assessed that it has control over the company. The company is therefore a related party of ULSC because ULSC controls it.

ULSC produces consolidated financial statements which include both a parent entity column and consolidated entity column. In the statements all individually significant transactions between ULSC and the company will need to be disclosed. For other transactions that are collectively, but not individually, significant ULSC will need to disclose a qualitative and quantitative indication of their extent.

ULSC must also disclose the nature of its relationship with the company.

Key Management Personnel – Close Family Members – Example 2

ULSC has recently employed Julie's son (Richard) in the Council's Works and Service area. Julie is Council's Mayor but was not involved in hiring Richard. This process was managed by the Human Resources Officer and included an independent assessment process. Julie did not have any influence in Richard securing the job.

Julie has been identified as a KMP of Council, which makes her a related party.

Richard will also be a related party of Council because he is a close family member of Julie. The recruitment process that was undertaken for Richard's position is irrelevant when assessing whether Richard is a related party.

Key Management Personnel – Close Family Members – Example 3

The Mayor of Upper Lachlan Shire Council (Julie) has lived in the Shire her whole life. In fact her family has been in the area for over three generations.

Julie's cousin Sally, owns and operates a local newsagent through a company Today's News Pty Ltd, of which she is 100% owner. Julie and Sally have always been close and regularly socialise.

Julie has been identified as a KMP of the Council. Sally is classified as a close family member of Julie because she would be able to influence, or be influenced by, that person with her dealings with Council.

Both Sally and the Company she controls, Today's News Pty Ltd would both be related parties of the Council. Any transactions that the Council makes with the newsagent would need to be separately identified and need to be disclosed.

Entities that are Controlled or Jointly Controlled by KMP or their Close Family Members – Example 4

The Mayor of Upper Lachlan Shire Council (Julie) is the President of Taralga Football League Inc, the local rugby club. The club is overseen by a committee which comprises the President and five other committee members. Each member has a single vote when making decisions at meetings. The committee members are not related and do not have agreements to vote with one another. The club has over 150 members that each have a vote in electing the committee members at the club's annual general meeting.

The Mayor does not control or jointly control the football club so it will not be a related party of Council just because the Mayor is the President of the club.

However, an entity where Julie has a close family member who has a voting right they would be considered as a related party.

Different Party Transactions that may occur between Related Parties - Example 5

The Council's functions include raising revenue to fund its functions and activities, and planning for and providing services and facilities (including infrastructure) for the local community. In carrying out its functions, the Council undertakes a wide range of activities including the imposition of rates and charges upon constituents, and the provision without charge of services such as parks and roads.

Councillor Paul is a ratepayer residing within the Council's constituency. As such, Councillor Paul takes advantage of the availability of free public access to local parks and libraries. Councillor Paul also used the swimming pool at the Council's Aquatic Centre twice during the financial year, paying the casual entry fee applicable to the general public each time. The recreation centre has approximately 20,000 visitors each financial year.

All of the transactions described above between the Council and Councillor Paul are related party transactions of the Council considered for disclosure in the Council's general purpose financial statements. Based on the facts and circumstances described, the Council may determine that these transactions are unlikely to influence the decisions that users of the Council's financial statements make having regard to both the extent of the transactions, and that the transactions have occurred between the Council and Councillor Paul within a public service provider/ratepayer relationship.

Contentious Issues

Note: where there are contentious issues in the determination of related party disclosures Council should seek advice from the External Auditor.

When assessing whether a KMP or close family member controls, or jointly controls, an entity Council will need to refer to ASSB 10 and ASSB 11.

Example of completed 'Related Party Transaction Disclosure by Key Management Personnel' form



RELATED PARTY TRANSACTION DISCLOSURE BY KEY MANAGEMENT PERSONNEL (EXAMPLE)

Financial Year 2016/2017

Name of Key Management Person:

Julie Smith

Position of Key Management Person:

Mayor

Please read the Related Party Disclosures Policy provided with this notification, which explains what is a related party transaction and the purposes for which Council is collecting, and will use and disclose, the related party information provided by you in this notification.

Please complete the table below **for each Related Party Transaction with Council** that you, or a close member of your family, or an entity related to you or a close member of your family:

1. has previously entered into **and** which will continue in the 2016/2017 financial year
2. has entered into, or is reasonably likely to enter into, in the 2016/2017 financial year

Finance and Administration

RELATED PARTIES DISCLOSURES POLICY cont'd

Related Party's Name (Individual's or entity's name)	Relationship	Nature of Transaction Existing or Potential	Dollar/Equivalent Value \$	Description of Transactions and/or Documents
Julie Smith		Payment of Rates	\$2,172.69	Rates Notice
Julie Smith		Payment of Water Charges	\$650.00	Water Bill Account
Julie Smith	President of Taralga Football League Inc.	Nil	Nil	N/A
Julie Smith		Private Works – Maintenance on private access road	\$8,500.00	Council Invoice
Richard Smith	Son	Employee of ULSC	\$40,500.00	Normal Employee Wages
Sally Smith	Cousin	Stationery Sales	\$1,000.00	100% Owner of Today's News Pty Ltd – 30 day Terms on Invoices

KMP Compensation (remuneration) in total and for each of the following categories:

Type of Remuneration	Short-term Employee Benefits \$	Post-Employment Benefits \$	Other long-term Benefits \$	Termination benefits \$
Councillor Remuneration	\$16,800			

**Note: Only the aggregate amount of KMP remuneration will be included in the Council Annual Financial Statements.
Disclosure**

I Julie Smith, Mayor
(Full name) (Position)

notify that, to the best of my knowledge, information and belief,

as at the date of this disclosure, the above information includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the 2016/2017 financial year.

I make this disclosure after reading the Related Party Disclosures Policy provided by Upper Lachlan Shire Council, which details the meaning of the words “related party”, “Related Party Transaction”, “close members of the family of a person” and, in relation to an entity, “control” or “joint control”, and the purposes for which this information will be used and disclosed.

I permit the Manager of Finance and Administration and the other permitted recipients specified in Council’s Related Party Disclosure Policy to access the register of interests in relation to me and persons related to me and to use the information for the purposes specified in that policy.

Signature of named Key Management Person: Julie Smith

Dated: 30 June 2017

Appendix C – Related Party Register



RELATED PARTY REGISTER

Name	Relationship	Nature of Transactions	Terms and Conditions	Reference - Supporting Evidence

Finance and Administration - 15 June 2017

POLICY IMPACT

All Councillors and Key Management Personnel as listed in the Related Parties Disclosures Policy must supply the required information in order for Council to meet the annual Financial Reporting requirements.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council adopts the Related Parties Disclosures Policy.

ATTACHMENTS

Nil

Finance and Administration - 15 June 2017

ITEM 11.7 **Capital Expenditure and Income Projects Update as at 31 May 2017**

FILE REFERENCE **I17/310**

AUTHOR **Director of Finance and Administration**

ISSUE

Provision of a Financial Summary Report on Capital Works Projects to Council as at 31 May 2017.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

At the Upper Lachlan Shire Council Ordinary Meeting held on 18 May 2017 Councillors requested a Capital Expenditure Projects Update Financial Summary Report be provided to the Ordinary Meeting to be held on 15 June 2017.

REPORT

The following is a financial summary at 31 May 2017 – see Attachments 1 and 2:-

1. Capital grants and contributions income received is 43% of the revised capital income budget.
2. Council has expended 62% of the revised capital expenditure budget (including actual capital expenditure and creditor commitments) on asset acquisitions and renewals.

Capital Budget Summary

The total capital expenditure budget, including accounts payable commitments, is 62% complete at year to date as detailed in Attachment 1.

The Crookwell Water Supply Treatment project is progressing with \$3.9 million actual expenditure (including commitments). Council has received capital grant payments for this project totalling \$2.9 million at year to date.

The General Fund capital expenditure program is 55% complete year to date. This includes the Roads to Recovery program projects which are 67% complete year to date. 75% of local roads capital projects are complete and 44% of regional roads projects are complete at year to date.

Manager of Works Commentary

A number of the capital expenditure projects have capital income tied to the project and both the income and expenditure at year to date are lower than forecast; i.e. MR256 Oberon Road Abercrombie Bridge replacement and MR52 Gunning Road 'Devil's Elbow' road construction project on regional roads, both of which are expected to commence in 2017/2018.

Actual capital expenditure year to date is lower than anticipated due to:-

- Inclement weather conditions last winter which has necessitated increased road maintenance and road restoration expenditure;
- A significant rainfall event in July that was a declared Natural Disaster. This necessitated a quick response by Council to restore safe access to properties, mainly in the north eastern part of the shire;
- Many capital works projects had to be rescheduled or had a late commencement date due to the last winter's prolonged wet conditions, effectively shortening the construction window;
- Announcement of an allocation \$1,021,440 towards Blackspot projects at five locations. This necessitated a substantial review of the original works program to enable these important road safety projects to proceed in a timely manner;
- Staff replacements with the resignation of key positions involving the Overseer Construction and Project Co-ordinator.

To ensure the external funded projects are completed, or are well advanced this financial year, there have been some smaller internally funded projects that will have unspent funds that will have to be transferred to reserves to ensure their completion next year. Examples of these internal (Council) funded projects is Cullivan Street Gunning initial seal, (\$40,000), Yass Street Gunning pavement rehabilitation (\$40,000) and Church Street Collector drainage (\$80,000).

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

It will be necessary at the end of the financial year 2016/2017 to transfer to reserves unspent funds related to both external restricted reserves and internal restricted reserves for uncompleted capital works expenditure projects.

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

1. ↓	Capital Expenditure Budget 2016/2017	Attachment
2. ↓	Capital Income Budget 2016/2017	Attachment

UPPER LACHLAN SHIRE COUNCIL OPERATIONAL PLAN CAPITAL EXPENDITURE BUDGET - 2016/2017 Capital Expenditure - Acquisition/Renewal of Assets <small>*Actual expenditure figures include creditor commitments</small>								Actual YTD	91.13%
Job Description	Actual Expenditure	Original Budget Estimate 2016-2017	September Review	December Review	March Review	Revised Budget Total 2016-2017	Actual/ Revised Budget %		
GENERAL FUND									
. SOCIAL									
Emergency Services and Fire Protection	\$82,515		\$30,250	\$7,000	\$54,514	\$91,764	90%		
Animal Control									
Health Services, Medical Centres, Aged, Disabled and Community Services	\$18,678	\$30,000	\$12,000			\$42,000	44%		
Public Libraries	\$5,010	\$6,400				\$6,400	78%		
Public Halls, Cultural Services, Community Centres and Museums	\$77,226	\$150,000		\$30,000	\$55,000	\$235,000	33%		
Sporting Grounds and Parks and Gardens	\$251,911	\$180,000	\$48,000	\$68,182	\$16,950	\$313,132	80%		
Swimming Pools	\$62,645	\$70,000		\$15,000	\$5,000	\$90,000	70%		
Total Social Expenditure	\$497,985	\$436,400	\$90,250	\$120,182	\$131,464	\$778,296	64%		
GENERAL FUND									
ENVIRONMENTAL									
Town Planning and Development Control									
Housing	\$10,160	\$23,000				\$23,000	44%		
Environmental Systems and Protection		\$5,000				\$5,000			
Noxious Weeds Control									
Building Control	\$27,336	\$261,000				\$261,000	10%		
Total Environmental Expenditure	\$37,496	\$289,000				\$289,000	13%		

UPPER LACHLAN SHIRE COUNCIL OPERATIONAL PLAN CAPITAL EXPENDITURE BUDGET - 2016/2017								Actual YTD	91.13%
Capital Expenditure - Acquisition/Renewal of Assets									
*Actual expenditure figures include creditor commitments									
Job Description	Actual Expenditure	Original Budget Estimate 2016-2017	September Review	December Review	March Review	Revised Budget Total 2016-2017	Actual/ Revised Budget %		
GENERAL FUND									
3. ECONOMIC									
Financial Services	\$63,124	\$107,400				\$107,400	59%		
Administration and Corporate Support									
Information Technology	\$374,974	\$479,540				\$479,540	78%		
Caravan Parks									
Tourism Promotion and Business	\$27,710	\$27,000				\$35,513	78%		
Total Economic Expenditure	\$465,808	\$613,940				\$622,453	75%		

UPPER LACHLAN SHIRE COUNCIL OPERATIONAL PLAN CAPITAL EXPENDITURE BUDGET - 2016/2017 Capital Expenditure - Acquisition/Renewal of Assets *Actual expenditure figures include creditor commitments							
Actual YTD 91.13%							
Job Description	Actual Expenditure	Original Budget Estimate 2016-2017	September Review	December Review	March Review	Revised Budget Total 2016-2017	Actual/ Revised Budget %
GENERAL FUND AND DWM FUND							
I. INFRASTRUCTURE, ACCESS AND TRANSPORT							
Roads, Bridges, Cycleways, Footpaths and Kerb and Guttering							
Urban Local Roads	\$186,111	\$176,400		\$90,000		\$266,400	70%
Roads to Recovery	\$1,427,928	\$2,770,741	\$45,852	-\$709,911	\$9,065	\$2,115,747	67%
Rural Local Roads	\$1,052,463	\$800,000	\$670,434	-\$96,000	\$25,000	\$1,399,434	75%
Regional Roads	\$1,280,253	\$2,281,400	\$355,600	\$293,000		\$2,930,000	44%
Regional Roads Timber Bridge Replacement Program	\$367,356		\$1,525,000			\$1,525,000	24%
Local Roads Bridge Program							
Footpaths and Cycleways	\$323,224	\$60,500	\$314,725			\$375,225	86%
Kerb and Guttering	\$13,864	\$20,000				\$20,000	69%
Other Infrastructure	\$39,537	\$15,000				\$15,000	264%
Waste Centres, Rubbish Tips and Street Cleaning	\$143,193	\$400,000				\$400,000	36%
Public Cemeteries	\$9,188	\$10,000	\$17,430			\$27,430	33%
Stormwater and Drainage	\$61,622	\$80,000	\$43,000		\$10,000	\$133,000	46%
Quarries and Gravel Pits	\$26,000		\$190,000			\$190,000	14%
Public Conveniences and Amenities	\$344	\$60,000	\$40,000			\$100,000	0%
Engineering, Purchasing and Works Supervision	\$586,476	\$692,600				\$692,600	85%
Plant and Equipment Operations	\$414,707	\$404,500				\$404,500	103%
Domestic Waste Management (DWM)							
Total Infrastructure, Access and Transport Expenditure	\$5,932,266	\$7,821,141	\$3,202,041	-\$422,911	\$44,065	\$10,644,336	56%

UPPER LACHLAN SHIRE COUNCIL OPERATIONAL PLAN CAPITAL EXPENDITURE BUDGET - 2016/2017 Capital Expenditure - Acquisition/Renewal of Assets *Actual expenditure figures include creditor commitments								Actual YTD	91.13%
Job Description	Actual Expenditure	Original Budget Estimate 2016-2017	September Review	December Review	March Review	Revised Budget Total 2016-2017	Actual/Revised Budget %		
WATER SUPPLY FUND									
Crookwell Water Supply Fund	\$3,926,497	\$5,217,100				\$5,217,100	75%		
Gunning Water Supply Fund	\$33,774	\$60,000		\$20,000		\$80,000	42%		
Dalton Water Supply Fund		\$30,000				\$30,000			
Taralga Water Supply Fund	\$53,897	\$60,900				\$60,900	89%		
Total Water Supply Services Expenditure	\$4,016,168	\$5,368,000		\$20,000		\$5,388,000	75%		
SEWERAGE FUND									
Crookwell Sewerage Fund	\$114,250	\$248,200		\$5,000		\$253,200	45%		
Gunning Sewerage Fund	\$162,121	\$40,000		\$100,000		\$140,000	116%		
Taralga Sewerage Fund	\$2,549	\$2,500				\$2,500	102%		
Total Sewerage Services Expenditure	\$278,921	\$290,700		\$105,000		\$395,700	70%		
GENERAL FUND									
GOVERNANCE									
Real Estate Development									
Total Governance Expenditure									
Total Capital Works Expenditure	\$11,228,645	\$14,819,181	\$3,292,291	-\$177,729	\$184,042	\$18,117,785	62%		
Capital Works Funding by Fund:-									
General Fund Expenditure	\$6,518,850	\$8,755,981	\$3,292,291	-\$302,729	\$184,042	\$11,929,585	56%		
DWM Fund Expenditure	\$414,707	\$404,500		\$20,000		\$404,500	103%		
Water Supply Funds Expenditure	\$4,016,168	\$5,368,000		\$105,000		\$5,388,000	75%		
Sewerage Funds Expenditure	\$278,921	\$290,700		\$105,000		\$395,700	70%		
Total of All Funds Expenditure	\$11,228,645	\$14,819,181	\$3,292,291	-\$177,729	\$184,042	\$18,117,785	62%		

UPPER LACHLAN SHIRE COUNCIL OPERATIONAL PLAN CAPITAL INCOME BUDGET - 2016/2017 Grants and Contributions Provided for Capital Purposes								
								Actual YTD 91.13%
Job Description	Ledger No.	Actual Income	Original Budget Estimate 2016-2017	September Review	December Review	March Review	Revised Budget Total 2016-2017	Actual/ Revised Budget %
GENERAL FUND								
1. SOCIAL								
Emergency Services and Fire Protection		\$93,115		\$30,250	\$7,000	\$41,490	\$78,740	118%
Animal Control								
Health Services, Medical Centres, Aged, Disabled and Community Services								
Public Libraries		\$33,507						
Public Halls, Cultural Services, Community Centres and Museums		\$7,409		\$30,682	\$5,000	\$1,500	\$37,182	20%
Sporting Grounds and Parks and Gardens		\$174,058	\$80,000	\$19,000	\$54,011	\$9,040	\$162,051	107%
Swimming Pools			\$15,000				\$15,000	
Total Social Income		\$308,090	\$95,000	\$79,932	\$66,011	\$52,030	\$292,973	105%
GENERAL FUND								
2. ENVIRONMENTAL								
Town Planning and Development Control								
Section 94 - Development Contributions		\$623,619	\$390,100		\$250,000		\$640,100	97%
Environmental Systems and Protection								
Housing								
Noxious Weeds Control								
Building Control								
Total Environmental Income		\$623,619	\$390,100		\$250,000		\$640,100	97%

UPPER LACHLAN SHIRE COUNCIL OPERATIONAL PLAN CAPITAL INCOME BUDGET - 2016/2017 Grants and Contributions Provided for Capital Purposes									
								Actual YTD	91.13%
Job Description	Ledger No.	Actual Income	Original Budget Estimate 2016-2017	September Review	December Review	March Review	Revised Budget Total 2016-2017	Actual/ Revised Budget %	
GENERAL FUND									
3. ECONOMIC									
Financial Services									
Administration and Corporate Support									
Information Technology		\$98,305	\$248,800				\$248,800	40%	
Caravan Parks									
Tourism Promotion and Business									
Total Economic Income		\$98,305	\$248,800				\$248,800	40%	

UPPER LACHLAN SHIRE COUNCIL OPERATIONAL PLAN CAPITAL INCOME BUDGET - 2016/2017 Grants and Contributions Provided for Capital Purposes									
Actual YTD 91.13%									
Job Description	Ledger No.	Actual Income	Original Budget Estimate 2016-2017	September Review	December Review	March Review	Revised Budget Total 2016-2017	Actual/ Revised Budget %	
GENERAL FUND AND DWM FUND									
4. INFRASTRUCTURE, ACCESS AND TRANSPORT									
Roads, Bridges, Cycleways, Footpaths and Kerb and Guttering									
R2R									
Rural Local Roads			\$200,000		-\$200,000	\$25,000	\$25,000		
Regional Roads		\$0	\$1,022,700	\$1,021,440			\$2,044,140		
Regional Roads Timber Bridge Replacement Program				\$1,437,000			\$1,437,000		
Local Roads Bridge Program									
Footpaths and Cycleways		\$68,012	\$45,500	\$40,645			\$86,145	79%	
Kerb and Guttering									
Other Infrastructure			\$7,500				\$7,500		
Waste Centres, Rubbish Tips and Street Cleaning		\$143,193	\$300,000				\$300,000	48%	
Public Cemeteries		\$8,172	\$10,000	\$8,170			\$18,170	45%	
Stormwater and Drainage									
Public Conveniences and Amenities		\$40,909		\$40,900			\$40,900	100%	
Engineering, Purchasing and Works Supervision									
Plant and Equipment Operations									
Domestic Waste Management (DWM)		\$391,076	\$365,000				\$365,000	107%	
Total Infrastructure, Access and Transport Income		\$651,363	\$1,950,700	\$2,548,155	-\$200,000	\$25,000	\$4,323,855	15%	

UPPER LACHLAN SHIRE COUNCIL OPERATIONAL PLAN CAPITAL INCOME BUDGET - 2016/2017 Grants and Contributions Provided for Capital Purposes									
Actual YTD 91.13%									
Job Description	Ledger No.	Actual Income	Original Budget Estimate 2016-2017	September Review	December Review	March Review	Revised Budget Total 2016-2017	Actual/ Revised Budget %	
WATER SUPPLY FUND									
Crookwell Water Supply Fund		\$2,868,091	\$5,025,000				\$5,025,000	57%	
Gunning Water Supply Fund		\$7,704	\$14,800				\$14,800	52%	
Dalton Water Supply Fund		\$3,852	\$2,000		\$3,000		\$5,000	77%	
Taralga Water Supply Fund		\$7,704	\$9,000				\$9,000	86%	
Total Water Supply Services Income		\$2,887,351	\$5,050,800		\$3,000		\$5,053,800	57%	
SEWERAGE FUND									
Crookwell Sewerage Fund		\$34,615	\$120,000				\$120,000	29%	
Gunning Sewerage Fund		\$8,208	\$8,000				\$8,000	103%	
Taralga Sewerage Fund		\$8,208	\$5,200		\$5,500		\$10,700	77%	
Total Sewerage Services Income		\$51,031	\$133,200		\$5,500		\$138,700	37%	
GENERAL FUND									
5. GOVERNANCE									
Real Estate Development									
Total Governance Income									
Total Capital Grants and Contributions Income, Transfers from Reserves & Loans		\$4,619,758	\$7,868,600	\$2,628,087	\$124,511	\$77,030	\$10,698,228	43%	
Capital Income by Fund:-									
General Fund		\$1,290,300	\$2,319,600	\$2,628,087	\$116,011	\$77,030	\$5,140,728	25%	
DWM Fund		\$391,076	\$365,000		\$3,000		\$365,000	107%	
Water Supply Funds		\$2,887,351	\$5,050,800		\$5,500		\$5,053,800	57%	
Sewerage Funds		\$51,031	\$133,200				\$138,700	37%	
Total of All Funds		\$4,619,758	\$7,868,600	\$2,628,087	\$124,511	\$77,030	\$10,698,228	43%	

Finance and Administration - 15 June 2017

ITEM 11.8 **Cultural Plan 2017 - 2020**

FILE REFERENCE I17/316

AUTHOR **Director of Finance and Administration**

ISSUE

Review and update Upper Lachlan Shire Council's Cultural Plan 2017-2020.

RECOMMENDATION That -

1. Council adopts the Cultural Plan 2017-2020.

BACKGROUND

It is a best practice recommendation from the Office of Local Government that NSW Council's implement a Cultural Plan. Upper Lachlan Shire Council in conjunction with Southern Tablelands Arts (STARTS) and the community developed the inaugural Council Cultural Plan 2010-2015 which Council adopted on 18 March 2010.

REPORT

Council has now reviewed the existing Cultural Plan 2010-2015 and updated its content and actions in the Cultural Plan 2017-2020 which is an attachment to this report. It is now recommended that Council adopt the updated plan.

POLICY IMPACT

Review and update the existing Cultural Plan.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council adopts the Cultural Plan 2017-2020.

ATTACHMENTS

1. ↓	Cultural Plan 2017 - 2020	Attachment
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Upper Lachlan Shire Council

Cultural Plan 2017-2020

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Foreward

This policy was originally prepared by Southern Tablelands Arts (STARTS) as part of the partnership arrangement between the Upper Lachlan Shire Council and STARTS. The research was conducted by staff of Upper Lachlan Shire Council and STARTS, under the supervision of Andrew Croke, Director of Finance and Administration. Stakeholder input into this plan was provided through a community workshop, Council workshop, cultural mapping exercise and a community survey.

Executive Summary

Scope of the work

This is the Upper Lachlan Shire's second Cultural Plan and builds upon the experiences from the initial plan and has been updated to reflect current planning regimes, changed regional structures, events and groups that have ceased to exist and Council projects that have been completed or are ongoing. It is a framework for the support and development of cultural infrastructure and activity, including strategies that support the community to grow and develop their own cultural life and identity in partnership with Council, other government and non-government service agencies.

The plan is strongly linked to Council's Social and Community Plan 2013 - 2018, the Tablelands Regional Community Strategic Plan 2016-2036 and the Upper Lachlan 2020 Tourism Strategic Plan whilst also being aligned with the Upper Lachlan Heritage Study 2007-08 and Council's Local Environmental Plan (LEP) 2010. The objectives outlined here are also reflected in the Upper Lachlan Shire Council Delivery Program 2017/2018 – 2020/2021.

This plan is framed under the facilitator model; a predominantly 'hands off' approach with the aim of creating conditions that favour cultural production. Its actions and responsibilities are based on its capacity to serve as a resource tool for the community, business sector and Council, as well as an important reference document for regional, state and federal agencies.

National Cultural Accord 2013

This National Accord:

- clarifies the roles and responsibilities of all governments in supporting Australia's arts, cultural heritage and creative industries; and
- provides a framework to enhance collaboration in areas of national interest and shared responsibility and work productively on specific issues through an agreed triennial work plan.

While acknowledging the variations in the individual specific responsibilities across the states and territories as well as across the three tiers of government, the scope of the Accord broadly includes core arts, creative industries and cultural heritage.

Agreement to this Accord demonstrates that all levels of government in Australia recognise the positive role that the arts play and the need to support strong and vibrant arts, cultural heritage and creative industries sectors.

This Accord signals a commitment by governments to support policy objectives which provide a stable base to underpin the arts, cultural heritage and creative industries sectors in Australia and to enable organisations and practitioners to produce new, interesting and exciting works that deliver benefits to the Australian public,

and to promote international exchange and collaboration. This national agreement seeks to provide a framework to:

- take a national approach to develop and grow Australia's arts, cultural heritage and creative industries sectors for artists and audiences through direct action and non- arts partnerships within and across jurisdictions as relevant;
- address needs, issues, gaps and barriers; reduce duplication and complexity; and align policies, investment and programs in areas that deliver real improvements to the viability and vitality of the sector and the access of Australians to arts and culture;
- increase the impact of existing government investment and non-government support by ensuring that funding is used to the greatest advantage for the sector to deliver greatest benefit to the Australian community; and
- identify opportunities for enhanced partnerships with non-government stakeholders.

All levels of government undertake complementary work to support the growth and development of the arts, cultural heritage and creative industries, including promoting the role of these in cultural diplomacy and social engagement, within regional, national and international contexts. Sometimes this work is undertaken in partnership.

All jurisdictions have responsibility for:

- the oversight, development and delivery of regulation that supports the sector and cultural outcomes;
- formulating policy settings which ensure access to high quality, diverse artistic content for all Australians;
- providing opportunities for a diverse range of professional arts and cultural works through both established and emerging arts practice;
- supporting key cultural organisations and institutions within their jurisdictions; and
- identifying priorities for funding capital investments within their jurisdictions.

Australia's cultural ministers and local governments share a proud history of cooperation and collaboration. The principal forum for cross-jurisdictional engagement between cultural ministers on matters of national significance is the meeting of cultural ministers. Australian and state and territory government cultural ministers meet regularly through this forum, with ALGA as invited observers, to discuss policy matters of mutual interest to the respective governments.

The Australian Government

The Australian Government's primary role in policy development is to focus on matters of national relevance or which require national application to support the Australian arts, cultural heritage and creative industries sectors, including:

- formulating nationally relevant policy settings and regulations, including intellectual property and taxation incentives, in consultation with state and territory governments;
- ensuring opportunities for arts education and training to promote career pathways in the arts and cultural sector;
- collaborating with Australian Government departments and agencies to progress implementation of arts and cultural matters of national significance, such as the coordination of protection for Australian content, development of cultural diplomacy through the arts, and implementation of initiatives (and the recognition of the importance of culture) in whole-of-government policies;
- funding national arts and culture agencies such as the national collecting institutions which perform a central role in preserving and making Australia's arts and culture accessible;
- promoting participation in, and access to, Australia's arts and culture through developing and supporting cultural expression;
- encouraging national and international interest in, and access to, Australia's arts and culture, and promoting international cultural exchange and market development;
- providing flexible and responsive policy settings which facilitate opportunities for Australia's creative industries to maximise commercial capacity domestically and internationally; and
- monitoring domestic and international policy issues impacting on the sector's interests as a whole, such as the negotiation of and compliance with obligations under international treaties and cultural arrangements.
- The Australian Government also supports:

The Australia Council: The Australia Council for the Arts is the Australian Government's arts funding and advisory body. It supports Australia's arts through the delivery of funding, strengthening and developing the arts sector. The Australia Council is a statutory authority established under the Australia Council Act 1975 with a guiding principle that promotes excellence in the arts. Its grant-making operates at arm's length from government under the principle of peer assessment.

Screen Australia: Screen Australia is the key Australian Government direct funding body for the Australian screen production industry. Under the Screen Australia Act 2008 Screen Australia supports the development, production, promotion and distribution of Australian screen content.

Screen Australia also administers the government's Producer Offset and International Co-production Program to increase the commercial sustainability of production in Australia.

State and territory governments

State and territory government arts and culture agencies are predominantly responsible for the coordination and implementation of policies and the allocation of resources that support the arts, cultural heritage and creative industries within their jurisdictions.

There are variations in the individual and specific responsibilities across states and territories. Broadly, state and territory governments:

- encourage local, national and international interest in and access to arts and cultural activities which promote the cultural vibrancy of their state or territory;
- identify priorities for funding capital investments within their jurisdictions, including investments in public art and state collections;
- where opportunities exist, work collaboratively with local government authorities and councils to plan, develop and upgrade local and community arts and cultural infrastructure in line with broader local and regional development goals;
- provide support for skills development across the sector; and
- provide support and development for arts and culture projects and artists.

State and territory governments also support these activities through a number of state agencies and institutions.

Local government

Local governments and councils have a particularly important role in infrastructure development, renewal and maintenance of cultural support and encouraging Australians to participate in arts and cultural activity. Through the recently established National Local Government Cultural Forum, local governments will work to set long-term objectives for local government cultural planning and the arts, with a view to sharing knowledge and ideas that can strengthen communities, and improve community health and well-being through the arts.

Local governments invest in local arts, heritage and cultural development activities and resources, and have key responsibility for supporting local institutions such as libraries and galleries.

Shared responsibilities and activities

Parties to this Accord have identified a number of areas where coordinated national activity is supported through collaboration:

- the development and implementation across jurisdictions of actions arising from national policies, including the National Arts and Disability Strategy, the Visual Arts and Craft Strategy, the National Indigenous Languages Policy and the policy on Indigenous Repatriation;
- the delivery of coordinated funding support for the major performing arts organisations through the Major Performing Arts Excellence Pool, as agreed by cultural ministers at the 30 March 2012 Meeting of Cultural Ministers;
- supporting small to medium arts organisations across all art forms;
- engagement on the repatriation of Aboriginal and Torres Strait Islanders ancestral remains from international collections, and the repatriation of ancestral remains and secret sacred objects from Australian cultural institutions, to Traditional Owner groups across Australia;
- delivery of professional development and training to arts workers in the Indigenous visual arts industry;
- the delivery of actions arising from the development of a national policy for the protection of Traditional Cultural Expressions;
- distribution of funding to support regional access and participation in the arts including Aboriginal and Torres Strait Islander arts, culture and languages; and
- promotion of international cultural exchange and market development.

Local Government Act 1993

In 2002 amendments were made to the Local Government Act 1993 (NSW) to state that councils may be required to include in its Management Plan (now is known as the Operational Plan) a statement on matters including social, community or cultural matters. In 2003/2004 the Department of Local Government (now known as the Office of Local Government) and ArtsNSW (then known as NSW Ministry for the Arts) partnered to produce the Cultural Planning Guidelines for Local Government. However, whilst these actions are in place Councils are not legislatively required to develop plans.

NSW State Government

Create NSW (a newly amalgamated agency incorporating Arts NSW and Screen NSW from 1 April 2017) is the NSW Government's agency for arts, screen and culture in NSW. It aims to foster a spirited arts and cultural environment, which values our artists and our heritage, which builds community, excites our imagination and inspires our future.

The new entity forms part of the Arts & Culture Division within the Department of Planning and Environment, and is responsible for furthering Government's vision for NSW to be known for its bold and exciting arts and culture that engages the community and reflects the state's rich diversity.

Create NSW invests in the success and future of arts, screen and culture in NSW through infrastructure and funding programs.

The Upper Lachlan Context

The Upper Lachlan Shire Council continues to recognise the need to maintain a Cultural Plan that is holistic in its approach and reflects the current needs and future aspirations of the community.

Upper Lachlan Shire Council appreciates the importance of culture and the arts, and hold the collective view that arts and culture:

- Is a unifying force (actual and potential) across the Shire;
- Is a strength in its own right - our culture is our culture and aspects should always be encouraged and protected for community wellbeing;
- Important to provide access within the Shire through the provision of support and resources;
- Is an economic force in its own right; and
- Has the capacity to generate tourist visitation.

Opportunities and Challenges

Opportunities	Challenges
<ul style="list-style-type: none"> • Enhancement of the environment through streetscape improvement • Close proximity to Canberra Sydney corridor. • Regional partnerships that explore and improve collaboration. • Potential to attract life-stylers to the shire. • Access to other government funding. • Potential to engage strong links with heritage that enables: cultural development; cultural tourism; cultural industries. • Maintenance and development of events / festivals that have cultural tourism outcomes. 	<ul style="list-style-type: none"> • Dispersed community in lots of small towns, villages and hamlets; difficult to reach critical mass; • Difficult to reach critical mass for self-supporting activity, particularly theatre and live music performances; • Limited funds available; • Duplication of services and infrastructure; • Retention of cultural consumption; and • Expectations and available level of services required by new residents.

Key Recommendations

The Cultural Plan for the Upper Lachlan addresses:

- The consideration of the available resources (fiscal, personnel and infrastructure) necessary for the implementation of the Cultural Plan;
- The lines of responsibility in the implementation of the Cultural Plan; partnerships between community, Council, local, State and Federal agencies;
- Strategies that identify needs of specific target groups who were not reached in the consultation process;
- Has a focus and respect for rural heritage;
- Links with other Council plans and actions related to infrastructure development and maintenance; and
- Provides access to public places and spaces suitable for the installation of public art and venues.

Conclusion

This Cultural Plan aims to position the community at a stage where they are aware of their own cultural identity, what activities need nurturing and developing, and the infrastructure required for growth paralleling the expectant population growth, and assisting in the retention and attraction of younger people to the shire.

Introduction

Methodology

In response to the need for the development of a Cultural Plan, Upper Lachlan Shire Council staff and Southern Tablelands Arts undertook the following methods and strategies; each step was taken independently of the next:

- In 2007/2008 a Public Art Policy was developed, ratified by Council and implemented. This policy was subsequently reviewed and further adopted in 2011 and 2014.

The process included the establishment of a working group in Crookwell, Gunning and Collector. A framework of categories was provided to each group member, and they were assisted by the Regional Arts Development Officer and the Manager, Upper Lachlan Tourism Visitor Information Centre to complete the form.

- In May 2008 a community consultation meeting/workshop was held.

Fifteen participants attended, they came primarily from Crookwell and Gunning and between them represented eight community groups. Councillor Sandra Bill hosted the meeting with Scott Pollock, Manager Upper Lachlan Tourism, and Elizabeth Brown, Regional Arts Development Officer, co-facilitating and Andrew Croke, Director of Finance and Administration, also attended the meeting. It was acknowledged that the groups that the facilitators are involved with were also networked into the meeting and were contacted regarding the ongoing process of developing the plan.

- In 2008/2009, a community survey was developed and distributed broadly to individuals and organisations.

Ninety-six surveys forms were sent to individuals and groups throughout the shire. A cover letter explaining the process accompanied the survey form and respondents were given six weeks to complete and return it to Council.

Twenty-seven completed survey forms were received: being slightly less than a 30% response rate. A number of the responses were from groups, therefore the total number of people represented by the survey is greater than twenty-seven.

In consideration that the total population of the shire exceeds 7,500 and the number of responses received is not adequate to provide valid data, the survey only provided an insight into the cultural needs and aspirations of the Upper Lachlan Shire.

- In 2009, a cultural audit was undertaken.

The Upper Lachlan Cultural Map was prepared in 2008/9 by Southern Tablelands Arts (STARTS) and the Upper Lachlan Tourist Association.

The methodology used to develop the map involved the development a set of 'need to know criteria' enabling the identification of 'soft' and 'hard' infrastructure: 'soft' infrastructure being the people, and 'hard' infrastructure being the bricks and mortar. The criteria were formatted into an easy to use table and sent to key organisations in the shire's towns and villages. The individual tables were returned to the Tourist Association, upon which the Manager, Upper Lachlan Tourism collate them into one document. The draft was provided to STARTS, and the Regional Arts Development Officer (RADO) reformatted the information, and provided analyses of the data.

Defining Culture

"Culture is about every aspect of life" (Upper Lachlan resident)

Whilst a clear definition of "culture" has not been determined by the community or Council in relation to the plan: Culture refers to the practice of making, participating, acquiring and building skills; as well as engaging as an audience member across all forms of arts practices. Including, but not limited to: theatre, visual arts, music, writing/literature and dance, as well as heritage, the environment, sport & recreation and tourism.

Vision

The vision for the Cultural Plan reiterates the Vision for the **Regional Community Strategic Plan** -

"To build and maintain sustainable communities while retaining the region's natural beauty."

Goals

- Assists with delivering strategic functions of Council;
- Is an effective planning tool and resource for the Community and key local, state and federal service delivery organisations;
- Strategic networks and communications;
- **Supports grant and funding applications;** and
- **Encourages** heritage preservation.

Cultural Values

The Upper Lachlan has a relatively small population base with strong links to its settlement history. The community, in general, identifies and engages with sporting activity on a regular basis. The following cultural values were also established at the first community consultation.

- Be based on the philosophies of community well being;
- Have a focus and respect for heritage: explore activities that provide avenues for local and family stories to be researched shared and preserved;
- Supports activity that respects and includes the natural environment;

- Identifies and respects the people, their lifestyles and the landscapes within which they live; and
- Identifies that there are links and crossovers between the arts and sport.

Key Areas

The following two key areas have been identified. There are cross over's and commonalities within each:

- Council Services; and
- Community Cultural Development.

Scope

It is very important that the community, council, other agencies and groups come together on strategic areas of inclusion.

In recognition of the demographic spread, specific aims/objectives have been identified and developed, then correlated to form an overall strategy for the Shire.

It was also recognised that the scope of the plan needs to identify links between neighbouring **local government areas**.

1.

UPPER LACHLAN
Local Government Area

© 2010 Upper Lachlan Local Government Area
www.ullga.nsw.gov.au

0 5 10 15 20
Kilometres

Source: Department of Infrastructure, Planning and Transport, NSW Government

Arts facilities / infrastructure (built)

Venues: Performances, Special Events, Conventions, Festivals and Theatre

Whilst there are other parks, halls etc., these facilities are not listed here as they are not used for the purposes specified under this category. The following facilities are used on a regular basis and are able to be accessed (hired) by the general community. There are 74 facilities:

- 3 Private / professional venues
- 17 Community halls / centre
- 10 Church, school, CWA, Senior Citizens halls
- 5 Showgrounds / rodeo grounds
- 17 Parks, Reserves, Ovals, Sporting fields
- 22 Café, Pubs, Clubs, Wineries etc.

Location	Private / professional hall / centre, other	Community hall / centre, other	Church, school, CWA, Senior Citizens, Masonic, scout halls	Showgrounds / rodeo grounds	Parks, reserves, ovals, sporting fields	Café, pubs, clubs, wineries etc.	Location Total
Big Hill	0	0	0	0	0	0	0
Bigga	0	1	0	0	2	2	5
Binda	1	1	1	0	1	0	4
Breadalbane	0	1	0	0	1	0	2
Collector	0	1	0	1	0	2	4
Crookwell	0	2	4	1	8	6	21
Dalton	0	1	0	0	0	1	2
Fullerton	0	1	1	0	0	0	2
Golspie	0	1	0	0	0	0	1
Grabben Gullen	0	1	0	0	0	1	2
Gunning	1	2	2	1	2	3	11
Jerrawa	0	0	0	1	0	0	1
Laggan	1	1	0	0	1	3	6
Narrawa	0	1	0	0	0	0	1
Peelwood	0	0	0	0	0	0	0
Roslyn	0	1	0	0	0	0	1
Taralga	0	1	2	1	1	4	9
Tuena	0	1	0	0	1	0	2
Shire Total	3	17	10	5	17	22	74

Galleries and Exhibition Spaces and Artists Residencies

Whilst there will be other café's etc., these facilities are not listed here as they are not used for the purposes specified under this category.

The following galleries and exhibition spaces are used on a regular basis for exhibiting works for sale and touring exhibitions, and are able to be accessed for use (hire) by the general community. There are 18 galleries and exhibition spaces and 1 artist residency, identified as:

- 1 Government funded (Council run facility or Regional Gallery)
- 5 Commercial
- 2 Community
- 2 Café (This is only café's that exhibit works for sale).
- 8 Other (This are facilities that have a different primary use but regularly hang exhibitions: such as community halls, pubs etc., without tracking or lighting systems).

Location	Government funded	Commercial	Community	Cafe	Other	Location Total
Big Hill	0	0	0	0	1	1
Bigga	0	0	0	0	2	2
Binda	0	0	0	0	1	1
Breadalbane	0	0	0	0	0	0
Collector	0	1	0	0	0	1
Crookwell	1	1	0	1	1	4
Dalton	0	0	0	0	0	0
Fullerton	0	0	0	0	0	0
Golspie	0	0	0	0	0	0
Grabben Gullen	0	0	0	0	0	0
Gunning	0	1	0	1	1	3
Jerrawa	0	0	0	0	0	0
Laggan	0	1	0	0	1	2
Narrawa	0	0	0	0	0	0
Peelwood	0	0	0	0	0	0
Roslyn	0	0	0	0	0	0
Taralga	0	1	1	0	1	3
Tuena	0	0	1	0	0	1
Shire Total	1	5	2	2	8	18

Other Cultural Facilities

The facilities listed are used on a regular basis and available for use by the general community as either audience members or facilitators. There are also facilities listed that are not available anywhere in the Upper Lachlan, this is to provide an understanding of the 'gaps'. There are:

- 1 Venue screening films or venue with film screening facilities
- 1 Recording or Film Studios
- 1 Private/commercial art education facility
- 0 Private Museums
- 2 Community Museums
- 2 Council Library facilities
- 3 Alternative bookstores

Location	Film screening venues	Recording or Film studios	Art Education facilities	Museums Private	Community	Literature Libraries/ Book deposits	Bookstores	Location Total
Big Hill	0	0	0	0	0	0	0	0
Bigga	1	0	0	0	0	0	0	1
Binda	0	0	0	0	0	0	0	0
Breadalbane	0	0	0	0	0	0	0	0
Collector	0	0	0	0	0	0	0	0
Crookwell	0	1	0	0	0	1	1	3
Dalton	0	0	0	0	0	0	0	0
Fullerton	0	0	0	0	0	0	0	0
Golspie	0	0	0	0	0	0	0	0
Grabben Gullen	0	0	0	0	0	0	0	0
Gunning	0	0	0	0	1	1	1	3
Jerrawa	0	0	0	0	0	0	0	0
Laggan	0	0	1	0	0	0	0	1
Narrawa	0	0	0	0	0	0	0	0
Peelwood	0	0	0	0	0	0	0	0
Roslyn	0	0	0	0	0	0	0	0
Taralga	0	0	0	0	1	0	1	2
Tuena	0	0	0	0	0	0	0	0
Shire Total	1	1	1	0	2	2	3	10

Festivals and Special Events

There are 49 biannual, annual or biennial events. In addition to these events, there are numerous one off events that are not listed here. The Upper Lachlan Tourist Association releases a biannual Calendar of Events that is inclusive of all activity.

Location	Festival/Event Name	Art-form & main activities	Approx. Dates	Organising group
Big Hill	0			
Bigga	Bigga's Biggest Market	Crafts/cottage industries	Easter Saturday	Bigga Progress Assoc.
	Grabine Freshwater Fishing Comp	Sporting	August	GFFT
	Car & Bike Show	Cars		
Binda	Binda Races	Horse racing	March	Crookwell District Race Club
Breadalbane	0			
Collector	Pumpkin Festival	Music performances, market	April	Pumpkin Festival Committee
Crookwell	Crookwell Show	Agriculture, exhibitions, performances	February	A.P. & H Society
	Car Boot Sale	Market	February	Crookwell Rotary
	Squash Open	Sporting	February	Crookwell Squash
	Golf Open	Sporting	March	Crookwell Golf Club
	Crookwell Potato Festival	Performances, market, quilting, art exhibition	May	Potato Festival Committee
	Children's theatre	Amateur children's theatre	May	KAOS
	Bake & Brew	Food	May	Crookwell AP&H
	Garden Festival	Open gardens	November	Garden Festival Committee
	Mary Gilmore Weekend	Music & poetry	October	DMG Society
	Theatre / cabaret	Amateur theatre	November	Crookwell Amateur Dramatic Society (CADS)
	Art On The Range	Painting, sculpture, photography	November (Biennial)	Crookwell Arts Council
	Crookwell Rotary Swap Meet	Markets	October	Crookwell Rotary
	Squash Masters	Sporting	October	Crookwell Squash

	Squash Doubles Tournament	Sporting	December	Crookwell Squash
	Xmas in the Park	Community	December	Xmas in the Park Committee
	Last Night of the Proms	Music	May	St Barts Church
	Sthn NSW Team Sorting	Sporting	May & Nov	Sthn NSW Team Sorting
	Australia Day	Community Event	January	ULSC & community
Dalton	Greendale Church Fete	Old style country fete	October	Uniting Church
	Public School Fete	Markets	March	Dalton Public School
Fullerton	0			
Golspie	Golspie Ball	Music/Dancing	August	Golspie Progress Assoc.
Grabben Gullen	0			
Gunning	Gunning Show & Trots	Agriculture, exhibitions, performances	February	AP&I Society
	Patchwork W'end Fete	Textiles: patchwork & quilting	June	Chamber Commerce
	Gunning Fireworks	Fireworks	September	Fireworks Australia
	Catholic Art Show	Visual arts & music	September	Catholic Church
	Flower Show	Horticulture	November	Uniting Church
	Music Performances	Music		Gunning Focus Group
	Octubafest	Music	October	Octubafest
	Australia Day	Community event	January	ULSC & community
Jerrawa	Jerrawa Show	Ag Show	Easter Monday	Jerrawa Show Society
Laggan	Monthly markets	Crafts etc.,	Monthly	Laggan Hall Committee
	Laggan Car Show	Car display	Autumn	Laggan Pub
	Sculpture in the Village	Art exhibition	November	Willowtree Sculpture Garden
	Lavender, Herb & Chilli Festival	Garden & Food Festival	January	Crystal Brook Gardens
	Strings in Spring	Music	October	Crystal Brook
	Clawfield Cup	Gaming	November	Laggan Pub
	Music At Sunset	Music	Year round	Willowtree Sculpture Garden
	Willowtree Workshops	Art Workshops	Year round	Willowtree Sculpture Garden

	Art In the Garden	Art Exhibition	April	Crystal Brook
Narrawa	0			
Peelwood	0			
Roslyn	0			
Taralga	Australia Day Celebrations & Rodeo	Rodeo & community celebration	January	ULSC & Australia Day Rodeo Committee
	Taralga Show	Agriculture, exhibitions, performances	March	AP&H Society
	Art Show	Visual arts	June	Progress Assoc.
	Farm Field Days	Machinery displays, live entertainment	November	Southern Tablelands Vintage Farm Machinery (STVFM)
	Richlands Homestead Open House	Heritage building open weekend	November (Biennial)	Taralga Historical Society
	Taralga Lions Markets			Taralga Lions Club
Tuena	0			

Arts and Cultural Organisations

Location	Name Group	Medium	Targeting
Big Hill			
Bigga	Progress Association	Visual arts	General community
Binda	Progress Association	Event/s	General community
Breadalbane	Progress Association	Event/s	General community
Collector			
Crookwell	Crookwell & District Art Gallery	Visual arts	Artists / general community
	Crookwell Amateur Dramatics (CADS)	Theatre	General community
	KAOS	Children's theatre	Children / youth / general community
	Crookwell Quilters	Quilting	General community
	Progress Association	Events	General community
	Crookwell Historical Society	Heritage, genealogy	General community
Dalton			
Fullerton			
Golspie			
Grabben Gullen	Progress Association	Events	General community

Location	Name Group	Medium	Targeting
Gunning	Gunning Focus Group	Music	General community
	Gunning & District Historical Group	Heritage	General community
	Gunning Garden club	Horticulture	General community
	P.A. & I. Society	Events	General community
Jerrawa	Jerrawa Show Society	Events	General community
Laggan	Laggan Hall Trust	Events	General community / visitors
Narrawa	0		
Peelwood	0		
Roslyn	Progress Association	Events	General community
Taralga	Taralga Progress Association	Visual arts	Artists & general community
	Taralga Australia Day Committee	Events	Local community + tourists
	A.P. & H. Society	Events	Agricultural / general community
	Taralga Arts Group (TAG)	Visual arts	General community
Tuena	Tuena Craft group	Visual arts/crafts	Women / general community

Sports Infrastructure

Location	Groups/clubs/organisations	Facilities
Big Hill		
Bigga	Golf Club Bigga Recreation Area	Golf Course Tennis Courts Indoor Bowls (at Golf Club) Bigga Recreation Ground
Binda	0	Tennis Courts
Breadalbane	0	0
Collector	Various	Collector Oval
Crookwell	Squash Club Swimming Club Golf Club Tennis Club Crookwell & District Equestrian Club Crookwell Pony Club Crookwell Gun Club Flora and Fauna Group Crookwell Bowling Club Hockey Club Indoor Hockey Rugby Union Club Touch Football Assoc. Rugby League Club Cricket Club Soccer Club Tai Chi Group Table Tennis Club Youth Harness Racing	Squash & Gym centre Coleman Park Swimming Pool Golf Course Tennis Courts Equestrian facilities at Showground Race track (at Showground) Rifle Range Bird Hide Lawn Bowling facility Todkill Park Showground Memorial Oval Todkill Park Memorial Oval Lyn Cooper Reserve Lyn Cooper Reserve Wellness Centre Squash & Fitness Centre Skate Park, Clifton Park Showground
Dalton	Cricket Club	Cricket Oval Tennis Courts Basketball Courts

Location	Groups/clubs/organisations	Facilities
Golspie	0	Clay Target Shooting Cricket Ground
Grabben Gullen	0	0
Gunning	Golf Club Swimming Club 'Activity Day Program' Snooker Club (indoor) Youth Mounted Games Junior Soccer Rugby League Pony Club Tennis Club	Golf Course Barbour Park Swimming Pool Endeavour Park – playing field Telegraph Hotel Skate Park, Endeavour Park Showground Showground Showground Showground Tennis Courts, Endeavour Park
Jerrawa	0	0
Laggan	Carriage Club	Recreation Reserve Cricket Ground
Narrawa	0	0
Peelwood	0	0
Roslyn	0	0
Taralga	Taralga Bowling Club Golf club Tennis Club Taralga Tigers Rugby Union Club Pony Club Hockey Club Touch Football Assoc. Youth	Lawn bowls facility Golf Course Tennis Courts Rugby Field, Showground Showground Hockey Field, Gray Park Gray Park Skate Park, Goodhew Park
Tuena	0	Cricket Ground Tennis Courts

STRATEGIES

How the Plan will be implemented

To implement and deliver the Cultural Plan in accordance with its intent, the plans strategies have been categorised into two key areas: Council Services and Community Cultural Development.

1. Council Services

The following strategies have been identified as fitting within the responsibilities of Council:

- ⌚ Cultural Policies;
- ⌚ Funding Programs;
- ⌚ Community Events;
- ⌚ Tourism;
- ⌚ Library Services;
- ⌚ Sport & Recreation;
- ⌚ Community Services; and
- ⌚ Heritage.

2. Community Cultural Development

The following have been identified as belonging to all stakeholders:

- Skill Development;
- Targeted communities / locations;
- Youth;
- Regional Partnerships;
- Visual Arts Collection Policy; and
- Cultural Industries.

Council Services

Policies

Key activity	Deliverables/milestones	Personnel involved in the activity	Date / Timeframe	Targeting	Budget implications
Cultural Plan review	<ul style="list-style-type: none"> Review Cultural Plan biennially Prioritise years service delivery Update and change as necessary 	Councillors and Senior Management and Staff	Biennially or meet on a needs basis in relation to responsibilities.	Council Depts delivering cultural services	Nil
Public Art Policy	<ul style="list-style-type: none"> Review Public Art Policy biennial basis Audit of Policy and update as needed 	Councillors and Senior Management and Staff	Biennially	Council Depts delivering cultural services	Nil
Cultural Map Development	<ul style="list-style-type: none"> Identify partnerships between groups Drill down into usage of existing infrastructure and services Use information from cultural map to develop "targeted communities" strategies 	Council staff	Ongoing	Extending info contained in map	Nil

Funding Programs

Key activity	Deliverables/milestones	Personnel involved in the activity	Date / Timeframe	Targeting	Budget implications
Cultural Fund Program	<ul style="list-style-type: none"> Council to deliver the program. Policy, application form and guidelines for the program will be maintained using this policy research findings and using the Country Arts Support Program (CASP) guidelines as a reference. CASP funding application forms will not be used for this program. The funding round will be open in June each year for activity in the following financial year. Maintain policies, procedures and criteria. Maintain associated application forms and guidelines. Council and STARTS to promote program. 	<ul style="list-style-type: none"> ULTA & staff 	<ul style="list-style-type: none"> Annually 	<ul style="list-style-type: none"> New cultural activity. 	<ul style="list-style-type: none"> \$3,000 for grant allocations
Event Funding Program	<ul style="list-style-type: none"> Promote program Assess applications Assess outcomes The funding round will be open in June each year for activity in the following financial year. 	<ul style="list-style-type: none"> ULTA & staff 	<ul style="list-style-type: none"> Annually 	<ul style="list-style-type: none"> New & Existing Events with tourism outcomes. 	<ul style="list-style-type: none"> \$1,500 annually – allocated to ‘winning’ application for two-year period. \$500 annually for existing events

Key activity	Deliverables/milestones	Personnel involved in the activity	Date / Timeframe	Targeting	Budget implications
Funding Workshops	Promote and support STARTS funding workshops	Staff, STARTS; and external funding program managers	As available	Artists; Event coordinating committees; Arts Groups; Progress Associations; and Sport & Recreation Groups	Nil

Community Events

Key activity	Deliverables/milestones	Personnel involved in the activity	Date / Timeframe	Targeting	Budget implications
Australia Day Festivities	Stage at least one event as part of the National celebrations	Australia Day Committee	Annually - January	General community	\$4,500
Seniors Week	Support events across the Shire as part of the state-wide celebrations Explore potential to partner with Goulburn Mulwaree Council, Yass Valley or Hilltops Council	Viewhaven; Sunset Lodge; Goulburn Mulwaree Community Services; and Upper Lachlan Community Services	Annually - March	Seniors	Seek external funding as needed
Youth Week	Stage suitable activities that have the capacity to provide broad access to arts or sporting activities for youth located throughout the shire.	Youth Council	March/April Annually	Youth	Seek external funding as needed

Tourism

Key activity	Deliverables/milestones	Personnel involved in the activity	Date / Timeframe	Targeting	Budget implications
Marketing and promotions	<ul style="list-style-type: none"> Biannually publish calendar of events Fortnightly newspaper column Distribute (electronic and mail) monthly "What's On" Maintain Tourism websites 	ULTA & Staff	Ongoing	General community + visitors	Annual tourism operational budget
	<ul style="list-style-type: none"> Develop marketing initiatives that increase visitation. 	ULTA & Staff	Ongoing	Visitors	Annual tourism operational budget
Crookwell Potato Festival	Annual festival staged	Crookwell Potato Festival Committee; and Tourism Staff	Annually in May	General community + visitors	Tourism budget + Potato Festival budget
New Events	Provide support and referral service to community groups and individuals to assist develop appropriate new events.	ULTA & Staff	Ongoing: respond to opportunity as arises	Community + visitors	Nil Seek external funding sources
	Promote 'value adding' and partnership benefits to coordinating committees. Include in selection criteria for grants programs.	ULTA & Staff	Ongoing respond to opportunity as arises	Event coordinating committees	Nil

Library Services

As of July 1st 2017, the Upper Lachlan Shire Council will provide library services at both Crookwell and Gunning and work in co-operation with Goulburn Mulwaree Council to continue to provide users with access to resources from Goulburn Library as part of the new service agreement. Library services are also supported by an active Friends of the Crookwell Library Group who will sponsor various special events.

Key activities	Deliverables/milestones	Personnel involved in the activity	Date / Timeframe	Targeting	Budget implications
Taralga mobile library service	12 month trial of a three weekly rotation mobile service to Taralga	Manager Library Services & Goulburn Big Read Bus	2017/2018	Taralga	As per service agreement
Children's activities	<ul style="list-style-type: none"> School holidays programs Story time during school term 	Library staff	Ongoing	Children	Operational
Seniors activities	<ul style="list-style-type: none"> Monthly scrabble Monthly knitting 	Library staff	Ongoing	Seniors	Operational
Informational talks	Facilitate free talks on appropriate topics	Library staff / Grand Pacific Health	Ongoing	Seniors	Nil

Sport and Recreation

Key activities	Deliverables/milestones	Personnel involved in the activity	Date / Timeframe	Targeting	Budget implications
Sport and recreation plan	In consultation with the community and key stakeholders develop a strategy to undertake appropriate planning and policy	Councillors Council staff	Ongoing	Sporting communities	Operational Seek external funding
Memorial Oval Precinct Upgrade of facilities	In consultation with the community and key stakeholders redevelop the Memorial Oval, Crookwell sportsground buildings and amenities	Councillors Council staff Sporting Groups Lions Club Rotary Club	Ongoing	Sporting communities	Capital works project Seek external funding Council loan funding

Community Services

Key activities	Deliverables/milestones	Personnel involved in the activity	Date / Timeframe	Targeting	Budget implications
Infrastructure Support	<ul style="list-style-type: none"> Community Halls Peppercorn rents Maintenance assistance Offer opportunities for upgrading through Operational Plan Explore and offer opportunities for income through hire of non-council supported facilities 	Hall Committees of Council – Section 355	Ongoing	Hall Committees of Council	Operational
	<ul style="list-style-type: none"> Community/cultural/arts groups Support, advise and assist implementation of skill development opportunities Provide access to Council services and facilities 355 Committees of Council supported through provision of insurance within 355 General Committee Policy Council representation on 355 committees 	<ul style="list-style-type: none"> Crookwell Arts Council Crookwell Historical Society Gunning Historical Society Taralga Historical Society Councillors Council Staff 	Ongoing	Cultural groups/associations	Operational

Heritage

Key activities	Deliverables/milestones	Personnel involved in the activity	Date / Timeframe	Targeting	Budget implications
Development Approvals	Respect existing streetscapes and landscapes in consideration of new development proposals	Councillors; and Planning and Environment	Ongoing	General community New developments	Operational
Heritage Study / Report	This section of the policy is to be advanced using the outcomes of the Heritage Study	Councillors; Council staff; Heritage Societies;	Ongoing	Heritage	Operational
Local Heritage Places Grants	Provide funds for heritage restoration projects	Council staff, Heritage advisor, Office of Environment & Heritage, land owners	Reviewed Annual	Heritage	Dependent upon available State programs \$15,000 annually

COMMUNITY CULTURAL DEVELOPMENT

Key activities	Deliverables/milestones	Personnel involved in the activity	Date / Timeframe	Targeting	Budget implications
Skill Development	Event Management <ul style="list-style-type: none"> Sustainability Risk Management Insurance Stakeholder management Fund raising Support services DA process Marketing 	Council staff; Key service delivery agencies; Key stakeholder service providers; and Locals with skills/knowledge	Ongoing	Event coordinating committees (existent and potential)	Operational budget
	Creative Processes Promote and support workshops delivered through STARTS and other agencies and businesses	Council staff; STARTS, arts practises	Ongoing	Event coordinating committees (existent and potential)	Nil
Targeted communities/location	Implement strategies that enable communication with communities not currently identified in the cultural map or represented in the Cultural Plan. Use activities identified in the Cultural Plan as catalyst for communications.	Council staff and STARTS	Ongoing	Tuena Collector Dalton Taralga	Nil
Youth	Establish and maintain Upper Lachlan Youth Council	Economic Development Officer	Ongoing	Youth Youth Service providers	Operational

Regional Partnerships	Explore opportunities to partner with CBRJO members, State Government and other bodies as appropriate to gain efficiencies in service delivery	Senior Management; and Councillors	Ongoing	Efficiencies	Nil
Regional Partnerships	Continue to partner STARTS.	Councillors; Senior Management; and Arts/Cultural Groups	Ongoing reviewed triennially	Community	\$2,300 + annual CPI increase
Visual Arts Collection Policy	Build on existing work undertaken to maintain a catalogue of the collection. Review the collection policy for the ongoing acquisition and potential decommissioning of artworks in the public collection.	Crookwell District Art Gallery; Councillors; and Council Staff	Ongoing 2017/2018 develop policy	Community	Seek external funding
Cultural Industries	Support potential cultural industries. Identify activity by type and location that already exists within the shire and include in the cultural map.	Councillors; Economic Development Officer; and STARTS	Ongoing	Increase opportunity for business/ economic development	Nil

12 GENERAL MANAGER

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General Manager - 15 June 2017

ITEM 12.1 **Staffing Matters**

FILE REFERENCE I17/267

AUTHOR **General Manager**

ISSUE

Providing details in relation to current staffing matters for Councillors' information.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

Providing information to Councillors in relation to current staffing matters, including recent resignations and appointments.

REPORT

The vacant position of Ranger based at Crookwell was advertised externally on Thursday, 23 March 2017 with applications closing on Thursday, 6 April 2017. Interviews were undertaken on Thursday, 27 April 2017. Warrick Dunstan was offered and has accepted the position as Ranger with Council, and he commenced duties on Monday, 29 May 2017.

The vacant position of Part-Time Event Marketing Officer was advertised externally on Tuesday, 9 May 2017 with applications closing on Thursday, 25 May 2017. Council will be advised of the successful applicant in due course.

Please note the General Manager will be on annual leave from 23 June 2017 until 19 June 2017 inclusive. The Director of Finance and Administration will assume the role of Acting General Manager whilst the General Managers is on annual leave.

Performance reviews for all staff members for 2016/2017 have recently been commenced with 32% of staff completed as at 2 June 2017.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

General Manager - 15 June 2017

ITEM 12.2 **Federal Budget 2017-2018 Update**

FILE REFERENCE **I17/269**

AUTHOR **General Manager**

ISSUE

Providing a short synopsis of the effects of the Federal Budget 2017/2018 regarding to Local Government Authorities.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

The Federal Treasurer, the Hon Scott Morrison MP handed down the 2017-2018 Budget on the 9 May 2017.

REPORT

The Australian Government 2017/2018 Federal Budget reinstates the indexation of Financial Assistance Grants, which had been frozen over the past three years from 2014/2015 to 2016/2017.

The key points from the Budget which relate to local government include:

1. Financial Assistance Grants (FAGs) - the indexation of the FAGs will resume in 2017/2018 with the first two quarterly payments for 2017/2018 brought forward into 2016/2017.

Adjusting for payments brought forward, FAGs are budgeted to increase from:

- \$2.289 billion in 2016/2017;
- \$2.367 billion in 2017/2018;
- \$2.456 billion in 2018/2019;
- \$2.576 billion in 2019/2020; and
- \$2.592 billion in 2020/2021.

The lifting of the indexation freeze follows advocacy by Council peak bodies, Local Government NSW (LGNSW) and the Australian Local Government Association (ALGA) and, the continued efforts of individual councils who moved resolutions in support of the freeze being lifted; and lobbied their local MPs.

The return of indexation will not negate the \$300 million that has been lost funding and 13% permanent erosion to the funding base which councils have had to shoulder since 2014/2015. The impacts have been deeply felt, particularly by councils with a higher dependence on FAGs, and the flow-on effects will take many years to overcome.

NSW councils have persistently indicated that they will continue to advocate for a return of FAGs funding to a level of at least 1% of Commonwealth tax revenue. The current level sits just under 0.6%.

2. Roads to Recovery - the Australian Government has committed to extend the Roads to Recovery program beyond the original cut-off date of 2018/2019 to 2020/2021 and increase funding by \$50 million to \$400 million per annum from 2019/2020.
3. Black Spots Program - funding under the Black Spots Program is budgeted to be \$85 million per annum from 2017/2018 to 2019/2020, after which it is to revert to \$60 million in 2020/2021. This represents a net increase of \$40 million (following an under-spend of \$35 million in 2016/2017).
4. Bridges Renewal Program - funding under the Bridges Renewal Program will increase slightly (over funding levels indicated in the previous budgets) to \$90 million in 2017/2018, \$85 million in 2018/2019 and 2019/2020, and \$60 million in 2020/2021.

The new figures in the Budget, represent a net increase of \$25 million to 2019/2020 with an extension of the program to 2020/2021.

5. Regional Growth Fund - the budget committed to establish a Regional Growth Fund of \$472.2 million over four years from 2017/2018, which will include:
 - \$272.2 million, in grants of \$10 million or more, for major transformational projects which support long-term economic growth and create jobs in regions undergoing structural adjustment
 - \$200 million will be added to the existing Building Better Regions Fund over four years from 2017/2018, to allow more regional communities to benefit. This will increase the fund to nearly \$500 million which will be available for eligible projects that deliver economic and social benefits in regional and remote Australia (outside the major capital cities of Sydney, Melbourne, Brisbane, Perth, Adelaide, and Canberra).
6. Transport Infrastructure - the budget included \$5.3 billion in equity funding to establish a Western Sydney Airport Corporation, over the next ten years. The Corporation will build and operate the new western Sydney airport, with construction scheduled to commence in 2018/2019.

The Melbourne-Brisbane Inland Rail Network was highlighted in budget commentary with the announcement of an additional \$8.4 billion in new equity funding for the Australian Rail Track Corporation (ARTC) to deliver the project. The objective of the project is to improve the productivity of the national land

freight network and complement existing road and rail infrastructure. The newly announced funding builds on the previous commitment of \$893.7 million which enabled the ARTC to progress work on the inland rail corridor and bring the project to construction readiness.

7. Housing Affordability - the budget highlighted a range of initiatives to increase affordable and social housing, which included:
- Establishing a \$1 billion National Housing Infrastructure Facility, over five years, to finance the critical infrastructure needed to speed up supply;
 - The release of surplus Commonwealth land for the purpose of housing;
 - Establishing the National Housing Finance and Investment Corporation to operate an affordable housing bond aggregator. This would aim to encourage greater private and institutional investment and, provide cheaper and longer-term finance to registered providers of affordable housing.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

General Manager - 15 June 2017

ITEM 12.3 **Economic Assessment of Goulburn - Crookwell Rail Trail**

FILE REFERENCE **I17/274**

AUTHOR **General Manager**

ISSUE

Providing details regarding an Economic Assessment of the Goulburn - Crookwell Rail Trail by SGC Economics and Planning.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

At the Council Meeting held on 20 April 2017 under resolution no. 83/17 it was resolved "That Council allocate \$7,500 towards a Cost Benefit Assessment and a Regional Economic Impact Assessment to be provided by SGS Economic and Planning for the proposed Goulburn to Crookwell Rail Trail."

REPORT

Council received a copy of the draft Economic Assessment of the Goulburn - Crookwell Rail Trail undertaken by SGC Economics and Planning on behalf of Upper Lachlan Shire Council and Goulburn Mulwaree Council on Monday, 15 May 2017.

Costs and benefits have been calculated for the period 2018-2039, incorporating a two year construction period and twenty years of operation.

A copy of the draft Economic Assessment of the Goulburn - Crookwell Rail Trail by SGC Economics and Planning is attached for Councillors information.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil


General Manager

ECONOMIC ASSESSMENT OF GOULBURN - CROOKWELL RAIL TRAIL cont'd

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

1. 	SGS Economics & Planning - Economic assessment of Goulburn - Crookwell Rail Trail	Attachment
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Economic assessment of Goulburn – Crookwell Rail Trail



Draft Report

Goulburn Mulwaree Council and Upper Lachlan Shire Council
May 2017

Independent insight.



This report has been prepared for Goulburn Mulwaree Council and Upper Lachlan Shire Council. SGS Economics and Planning has taken all due care in the preparation of this report. However, SGS and its associated consultants are not liable to any person or entity for any damage or loss that has occurred, or may occur, in relation to that person or entity taking or not taking action in respect of any representation, statement, opinion or advice referred to herein.

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EXECUTIVE SUMMARY

Cost benefit analysis

The cost benefit analysis relies on the data gathered and assumptions made in the feasibility study were possible, from March 2015, published at <http://www.gcrt.org.au/>. In some cases, the figures in this report have been updated to take into account cost inflation, changed assumptions provided by Goulburn Mulwaree Council and Upper Lachlan Shire Council (hereafter referred to as the Councils), and new information obtained by SGS Economics and Planning.

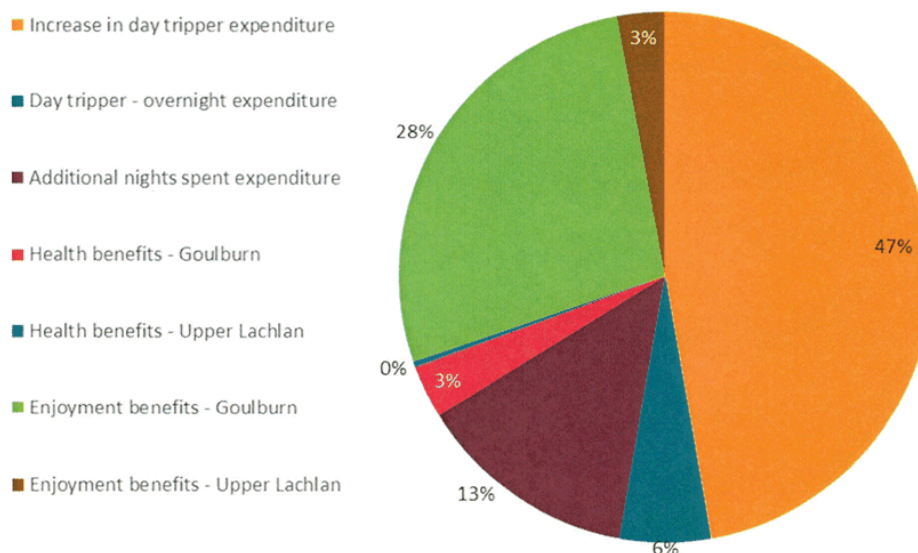
Construction costs of \$15.6 million in total over 2018 and 2019 have been assumed, based on uprated estimates from the feasibility study. The Councils have allowed for ongoing maintenance costs of \$300,000 per year once the rail trail is operational.

The main benefits include:

- **Increased tourism expenditure** from 30,000 new day trippers per year, 5000 day trippers who would have visited anyway deciding to stay overnight to visit the trail, and 5000 overnight visitors who would have come anyway deciding to stay an additional night to visit the trail.
- **Health benefits** from Goulburn Mulwaree and Upper Lachlan residents who were previously insufficiently active for health deciding to exercise more because of access to the rail trail.
- **Enjoyment or leisure time benefits** from Goulburn Mulwaree and Upper Lachlan residents who experience enjoyment and recreation from spending time at the trail.

The mix of benefits is shown in the figure below. Goulburn Mulwaree residents experience greater total health and enjoyment benefits than Upper Lachlan as a far greater number of Goulburn Mulwaree residents live within an easy distance of the rail trail.

BREAKDOWN OF PROJECTED RAIL TRAIL BENEFITS, 2021



Source: SGS calculations. 2017

Costs and benefits were calculated for the period 2018-2039, incorporating the two year construction period and twenty years of operation. It finds that the net present value (NPV) under a discount rate of 7% is \$44.38 million dollars, with a benefit cost ratio (BCR) of 3.63. Varying the discount rate shows results that are positive and high - benefits are expected to exceed costs by between \$67 million and \$30 million.

RESULTS OF COST BENEFIT ANALYSIS

	Net present value (\$million)	Benefit cost ratio
Discount rate		
4%	\$65.65	4.55
7%	\$44.38	3.63
10%	\$30.38	2.94

Source: SGS calculations, 2017

Economic impact analysis

The construction of the rail trail for \$15.6 million over two years is expected to produce economic value added in the construction industry of \$2.8 million dollars per year and create 16 full time jobs. After considering flow on effects, the total increase in value added in the NSW economy is likely to be \$6.17 million per year during construction, and 39 new jobs will be created per year.

Once it is constructed, the development of the rail trail is likely to result in a boost to tourism in the area, with an additional \$10 million dollars a year in NSW economic output, and over a \$4 million increase in value added, plus an additional 47 jobs.

SUMMARY OF ECONOMIC IMPACTS

	Output (\$m)	Value Added (\$m)	Employment
<i>Annual impacts during construction</i>			
Initial effects per year	\$7.806	\$2.810	16
Total effects per year	\$14.441	\$6.167	39
<i>Annual impacts when trail is operational</i>			
Initial effects per year	\$4.284	\$1.970	25
Total effects per year	\$10.152	\$4.755	47

Source: SGS calculations, 2017

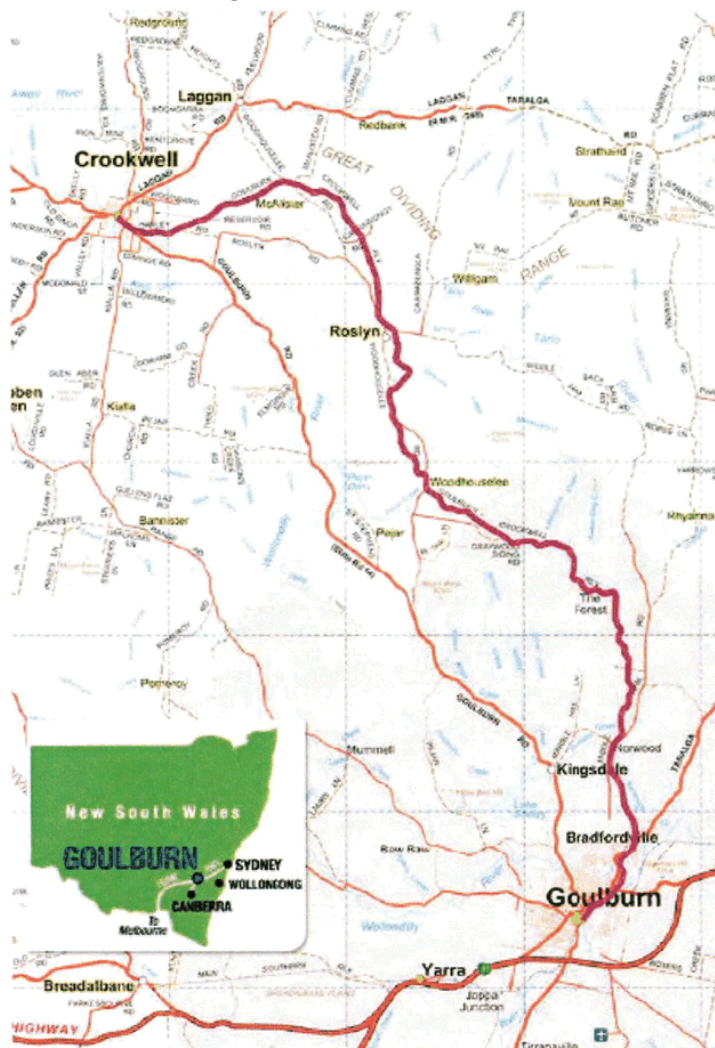
1 BACKGROUND

Rail trails are recreational trails designed for walkers, cyclists and horse riders on disused railway corridors. Conversion of old rail lines to recreational pathways has a number of advantages over leaving rail lines as they are or developing new recreational trails from scratch:

- Minimal or no vegetation clearing required;
- They are designed for accessibility: gradients are low, there are no sharp bends, there are bridges over potential hazards such as seasonal creeks; so they are suitable for varying fitness levels and ages;
- Provide access to scenery and experiences often not accessible by roads designed for motor transport;
- Can protect local flora and fauna from grazing, and provide a corridor for fauna to move between pockets of native bushland; and
- Can be a link between sites of tourist or historical significance.

The proposed Goulburn-Crookwell rail line runs for 56km, from Goulburn through to Norwood, Woodhouselee, Roslyn, McAlister and Crookwell. A previous feasibility study from March 2015, published at <http://www.gcr.org.au/> estimated that the total construction cost of the proposed trail is expected to be \$15.585 million (2014 dollars). The trail winds through forest and farmland, passing historic buildings and crossing railway bridges. It includes areas in the Goulburn Mulwaree Council and Upper Lachlan Council (hereafter referred to as the Councils).

This previous feasibility study considered the experience of other rail trails around Australia, the viability of the route, the location of trailheads, any possible difficulties with the route, how to deal with any objections from local farmers, the types of benefits that would be experienced and how they might be quantified. The



feasibility study was a thorough assessment of the prospects of the Goulburn-Crookwell rail trail. While it did estimate the increase in visitor numbers due to the trail, the likely expenditure of these tourists and the health benefits of locals using the trail, it did not incorporate this into a cost benefit analysis or an economic impact assessment

To proceed with investment into the rail trail, the Councils would need to apply for State or Federal Government grants. These would require a credible cost-benefit analysis, meeting the broad requirements laid out by the State and Federal Governments.

1.1 The purpose of this report

This report does not attempt to rewrite or change the findings of the feasibility study. Rather, it incorporates the research undertaken in the feasibility study, updates and reviews information when necessary and uses these as inputs into a cost-benefit analysis to estimate the objective return to the project. A sensitivity analysis tests the returns to the project under more conservative assumptions and identifies the risks that may result in lower returns to the project. Finally, an economic impact analysis identifies the potential impact on the local economies of the Council areas and the jobs likely to be created in the construction phase and the operational phase.

2 COST BENEFIT ANALYSIS

The cost benefit analysis relies on the data gathered and assumptions made in the feasibility study where possible. In some cases, the figures in this report have been updated to take into account cost inflation, changed assumptions provided by the Councils, and new information obtained by SGS Economics and Planning.

2.1 Costs

Construction costs

Estimates of the construction costs are provided in the feasibility assessment, and have been updated using a construction cost inflator derived from ABS Producer Price Indexes (ABS, 2017). The original project price was estimated at \$15.585 million in the 2015 version of the feasibility study. This was updated to \$15,611,495. While no specific timeline has been established for the construction of the rail trail, for the purposes of this analysis a construction time period of two years was allowed for, with half of the construction costs incurred in 2018 and half in 2019.

Ongoing costs

The feasibility study notes that regular maintenance of the route will need to be undertaken. This will involve quick monthly inspections by two staff, and more detailed inspections every three months and every year; plus the cost of fixing any issues that are identified in these inspections. The feasibility study estimated this would cost \$84,600 per year in 2014 dollars. The labour involved in this inspection and maintenance is estimated at 0.2 FTEs per year.

The physical infrastructure of the path will need to be upgraded at certain intervals. The feasibility study estimated an allowance of 3% of the installation costs of the gravel surface, 2% of fencing installation costs and 1% of bridge structural items costs would need to be set aside each year for regular upgrades this amounted to \$129,500 in 2014 dollars.

Recent discussions with the Councils have suggested that they do not intend to hire additional maintenance staff; rather existing staff will incorporate this as part of their regular duties. They intend to allocate \$300,000 per year to maintenance of the rail trail once it is constructed. This figure has been used in the cost benefit analysis.

2.2 Benefits quantified for the CBA

These benefits are expected to arise once the trail is constructed and operational. Construction is modelled to finish in 2019. Once the trail is built, it will take some time for the benefits of the trail to be realised. The trail will need to be promoted, it will need time for the first tourists to visit and leave positive reviews, for businesses to establish around the trail and locals to become aware of the trail and work it into their routine.

For this reason, the benefits discussed below are expected to occur in full from 2021 onwards, with 50% of these stated benefits to occur in 2020.

Visitor expenditure

The feasibility study (2015) looked at tourism boosts associated with other rail trails around Australia, such as the Bibbulmun Track in Western Australia, the Murray to the Mountain Rail Trail in Victoria, the Lilydale Wharburton Trail in the Yarra and the Otago Central Rail Trail in New Zealand. Comparing these sites to the Goulburn Crookwell Rail trail, it estimated that 30,000 visitors from outside Goulburn might be expected to come and visit the rail trail, or approximately 82 people per day. These visitors are predominantly expected to come from large nearby cities such as Sydney or Canberra, who could comfortably visit Goulburn and return home the same day.

It also allowed for rail trails to either convert existing day trip visitors into overnight stays – visitors who might have simply visited Goulburn for a day may stay another night to spend time at the rail trail. It is expected 5000 day trippers will be converted into overnight visitors, and that a further 5000 overnight visitors will stay an extra day in order to spend time at the rail trail.

The feasibility study also reviewed the expenditures associated with visitors to rail trails from these case studies. It found that day trippers to rail trails spent an average of \$97 per day in 2015 dollars, while overnight visitors (those who stayed one night or more in the region to use a specific trail) spent \$165 per day. Accommodation costs were modest, at only \$23/day, this is because it is common for overnights to camp out.

Over time, tourism numbers are projected to grow in line with the Council areas' combined populations, based on the NSW Department of Planning and Environment's local government area (LGA) population projections (2017).

Health benefits from additional exercise

Fitness infrastructure, particularly walking or cycling trails, have been shown to increase the amount of time nearby residents spend engaging in fitness activities. Physically active people tend to have lower rates of chronic health conditions and thus impose lower health costs. Safe, accessible fitness activities such as walking and cycling are an easy way for people of all fitness levels and ages to improve their physical fitness and health, reducing overall health expenditure in the region. Thus infrastructure that induces relatively sedentary people to walk or cycle more frequently has health benefits, although these benefits may be not be felt until years or decades after an individual starts to become more physically active.

Many studies around Australia and around the world have attempted to quantify the health benefits of additional exercise, usually translated as health costs saved per hour of exercise or per kilometre walked or cycled – this is usually calculated by estimating the total health costs of sedentary and active people, and dividing this by the amount of exercise done by active people.

In line with the feasibility study, it is estimated that under a medium use scenario, twenty percent of the population living within twenty minutes of the rail trail (approximately 77% of Goulburn Mulwaree's population and 33% of Upper Lachlan's population) will spend an hour walking or cycling on the rail trail twenty times per year, or a little less than once per fortnight. This translates to an average of four hours of additional exercise for people living within 20 minutes of the rail trail.

The health benefits per hour of physical activity are estimated at \$3.68 per hour of physical activity, based on calculations by Trubka et al (2008) per hour of physical activity and uprated to 2017 dollars. These benefits are only incurred by people who are either inactive or insufficiently active for health. The ABS' Australian Health Survey found that around 57% of New South Wales adults do not get enough physical activity for health (ABS, 2013). The 43% of NSW adults who are already sufficiently active for health will not experience any health benefits from any increase in physical activity undertaken as a result of the rail trail.

Enjoyment of trail

In addition to the health benefits of additional exercise, local residents are expected to get value out of the pleasure of using the rail trail – the enjoyment of the scenery and fresh air, seeing historic sites they might not otherwise have visited and leisure time spent with friends and family.

As access to the trail will be free of charge, the utility provided to resident users has been quantified using the Travel Cost Method (TCM). Under the TCM, it is assumed that the time taken to travel to and from the trail, as well as the length of time spent at the trail, are used to place a value on the benefit derived.

The feasibility study estimated that the catchment for the rail trail was the population of Goulburn Mulwaree and Upper Lachlan Shire within a twenty minute drive of the rail trail. Based on this it has been assumed that the average resident in the rail trail catchment will travel ten minutes to get to the rail trail, and ten minutes to get home again, after spending an hour at the rail trail on average (as discussed in the previous section). The value of leisure time was estimated as \$13.39, based on Australian Transport Council guidelines (2006) and uprated to 2017 values based on growth in average weekly earnings. That is, the value of leisure time estimated per use of the rail trail is 1.33 hours (twenty minutes' travel time plus one hour at the trail), multiplied by \$13.39.

2.3 Benefits not quantified in this CBA

Some benefits have not been quantified for this CBA. These benefits are of a form that is difficult to quantify, are highly uncertain or would result in double counting. As a result, these benefits are listed here as potential benefits but they have not been quantified for the CBA.

Direct and indirect employment

Some modest direct employment may occur as a result of the rail trail. The construction process can be expected to add 39 direct and indirect jobs over the construction period, and once it is built, maintenance will be expected to require approximately 0.2 FTEs.

Of greater potential benefit is indirect employment – the flow on benefits from local use of the trail and tourism benefits from visitors coming to the Council areas to use the rail trail. Industries that are likely to receive an indirect boost to employment include:

- Cycle hire, repair and sale businesses: some visitors will find it more convenient to rent a bike rather than bring their own from home, and those who do bring their own bikes may need to purchase consumables or replace broken equipment.
- Food and hospitality business owners within a short walk or cycle of the rail trail: they may decide to erect signage on the rail or advertise to trail users so they will be considered for a meal or overnight stop, or landowners near the rail trail could set up campsites or holiday cottages.
- Tour or package holiday opportunities: travel organisations may sell rail trail packages including transport, bike hire, meals and accommodation, or offer guided walks, bike rides or horse rides on the trail.

There is the potential for jobs to be created through existing businesses increasing their turnover or new businesses establishing themselves. These have not been separately quantified for the cost benefit analysis as these benefits are included in the increased visitor expenditure benefits.

Improved social capital/connectedness

A "Friends of the Goulburn Crookwell Rail Trail has already been established. Similar groups are established to promote the use of rail trails and increase awareness and maintenance of the trails. These groups hold activities such as tree planting days, picnics, fundraising walks/rides and Clean Up Australia events on their respective trails. People who get involved in these groups make friends, establish social

capital and improve wellbeing. They develop an attachment to their community and a sense of place is established.

Increase in land values

Some research in the US has shown that a home's proximity to a rail trail is sometimes associated with higher land values (Asabere & Huffman, 2009) (Campbell & Munroe, 2007) (Lindsey, Man, Payton, & Dickson, 2004). Residents value having access to walking, cycling and horseriding trails right outside their house, particularly those that wind through green spaces. Hedonic price modelling suggests some residents are prepared to pay a premium to live close to these trails

While access to trails is commonly associated with higher land values, the increase is generally small and some rail trails are associated with no impact on land values. Increases in land values from proximity to rail trails are highly uncertain. This benefit is possible, but uncertain and so cannot be quantified

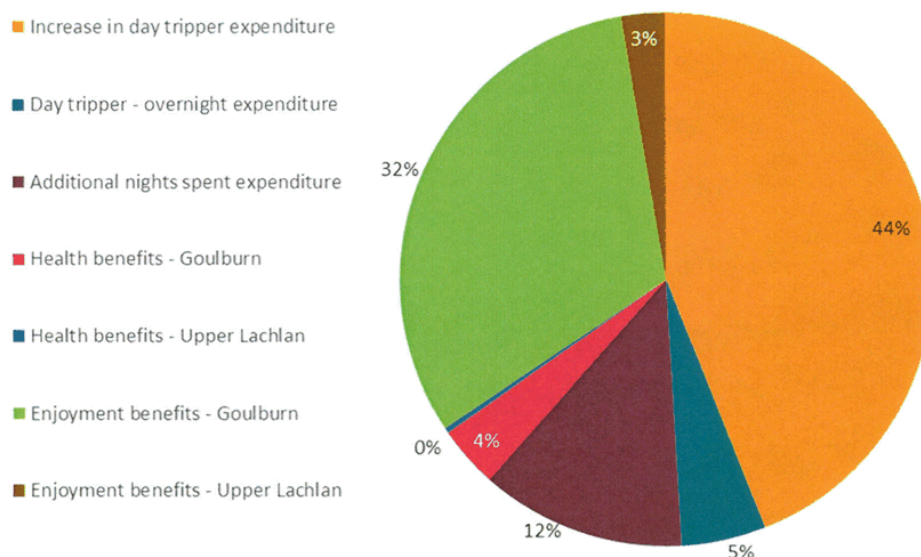
Heritage and environmental benefits

The rail trail has the potential to increase the accessibility and visitation of a number of historic sites, including the Riversdale Historic Homestead, old churches and halls. By opening up access to these sites through the rail trail, Goulburn's reputation as an inland historic city can be enhanced. Regular trail users can be encouraged to report weed outbreaks, plant trees or collect rubbish in the area, improving the environment around the rail trail site.

2.4 Cost benefit analysis results

The trail is expected to produce benefits for the Council areas' economies of around \$6 million per year when it is fully operational. The bulk of the benefits are expected to come from an increase in the number of day trippers visiting the region to spend time on the trail, with a value of \$2.9 million per year or nearly half of total annual benefits. Enjoyment experienced from local residents using the trail for recreation represented 35% of the total benefits, mostly for Goulburn Mulwaree residents due a greater number of these residents living closer to the rail trail than Upper Lachlan residents. Tourism expenditure from overnight visitors deciding to spend additional nights to visit the rail trail made up 12% of benefits, and day trippers deciding to stay overnight made up 5% of benefits. Health benefits made up only 4% of total benefits.

FIGURE 1. BREAKDOWN OF PROJECTED RAIL TRAIL BENEFITS, 2021



Source: SGS calculations, 2017

Costs and benefits were calculated for the period 2018-2039, incorporating the two year construction period and twenty years of operation. It finds that the net present value (NPV) under a discount rate of 7% is \$44.38 million dollars, with a benefit cost ratio (BCR) of 4.55. Varying the discount rate shows results that are positive and high - benefits are expected to exceed costs by between \$66 and \$30 million.

TABLE 1. RESULTS OF COST BENEFIT ANALYSIS

	Net present value (\$million)	Benefit cost ratio
Discount rate		
4%	\$65.65	4.55
7%	\$44.38	3.63
10%	\$30.38	2.94

Source: SGS calculations, 2017

2.5 Sensitivity analysis

Economic and demographic projections such as these used in a cost benefit analysis can be uncertain. We can never know until a trail has been established for some years what sort of tourism visitation it will receive, how businesses will grow to support it or how frequently locals will use the trail.

For this reason we conduct a sensitivity analysis around the results, varying some of the more uncertain assumptions to 'stress test' the finding that the benefits of the project will outweigh the costs. If the net benefits of a project are found to be positive under a highly conservative set of assumptions, then the original findings can be seen as more robust.

For this sensitivity analysis, we have made the following changes to the assumptions:

- Construction costs of \$20 million (approximately 25% increase)
- Ongoing costs of \$500,000 per year
- Low local usage of the trail, with an average of 1 hour per resident per year (down from 4)
- Day trippers reduced to 20,000 per year

Table 2 shows the results of the sensitivity analysis.

TABLE 2. RESULTS OF SENSITIVITY ANALYSIS

	Net present value (\$million)	Benefit cost ratio
Discount rate		
4%	\$21.32	1.85
7%	\$11.17	1.49
10%	\$4.61	1.22

Source: SGS calculations, 2017

Under these more conservative assumptions, the discounted benefits of the project are still expected to exceed the costs by \$4.6 - \$21.3 million, depending on the discount rate used. The benefit cost ratio is expected to range from 1.22 to 1.85. This demonstrates that the investment in the rail trail is still justified under higher costs and lower benefits.

3 ECONOMIC IMPACT ASSESSMENT

3.1 Overview of impacts

The development of the Goulburn-Crookwell rail trail will result in a number of new visitors to the Council areas, bringing with them money to spend on food, accommodation, entertainment and other goods and services, which results in additional stimulus to the NSW economy. Expenditure on one good or service has flow on effects to various other sectors of the economy. In addition, the construction of the rail trail itself has a number of economic benefits which can be quantified.

In this section, SGS will measure the benefits to the economy as a result of the new visitors to Goulburn Mulwaree and Upper Lachlan Shire to visit the rail trail, in addition to measuring the impact that the construction of the rail trail has on the economy.

3.2 Modelling technique

SGS uses an input-output (IO) econometric modelling technique to convert the impact of day trip and overnight visitors into indirect impacts in terms of production, and employment at a regional level. For the purposes of this analysis, the regional economy is defined as NSW.

In essence, SGS takes the inter-industry relationships (buyer-supplier transactions) that are measured by the Australian Bureau of Statistics in the National Accounts, and scales these relationships down to a state level, i.e. using available datasets and accepted mathematical techniques. The results of this scaling process are a set of regional industry specific multipliers which estimate how spending in a specific regional industry, via the assessed direct impacts (stimuli), flows through to total regional:

- Output (or income)
- Value added (or contribution to GRP)
- Full-time equivalent employment levels

Key qualifications

Though a cost-effective and widely used technique for economic impact analysis, IO modelling has some limitations, as follows. The only feasible alternative to using IO modelling for economic impact assessments is to use partial or general equilibrium econometric models, which is outside the scope of the current project.

- The input output model assumes relationships between industries are static over the forecast period. That is, productivity improvements are not factored in and historic relationships are assumed to hold.
- The input output model derives relationships between industries using total production estimates. Consequently, the relationships are 'average', whereas the stimulus used as an input is 'marginal'. Such an approach does not account for any 'underutilised capacity' at the industry level or additional economies of scale that might ensue, as production expands from its existing base.
- As already mentioned, all of the stimuli are assumed to be 'new' economic activities for each regional economy. That is, crowding out or industry substitution effects are assumed to be negligible, meaning that key economic inputs such as labour and capital are assumed to be unconstrained, i.e. there is

sufficient slack in the economy to service these stimuli without transferring significant resources from other productive uses. It also means that the activities that are promoted by the subject project do not adversely affect operations elsewhere.

In addition, the NSW Treasury (2017) identifies the following limitations with input-output analysis:

- The opportunity cost of resources is not taken into account
- Regional input-output models are based on poor quality data
- Lack of supply-side constraints- multipliers assume that extra output can be produced in one area of activity without reducing resources in another
- Assumption that prices are fixed, and that relative price changes have no impact on the allocation of scarce resources between activities
- Absence of budget constraints
- Multiplier impacts are based on theoretical relationships. Relationships cannot be considered as literal or precise and any flow-on effects (impacts beyond the first-round effects) cannot be directly observed, measured or verified.

3.3 Major data inputs and assumptions: Tourism

Tourism Multipliers

A challenge in calculating the economic stimulus from domestic day trip and overnight visitors is that revenue streams are made up of a number of different components, making it difficult to determine the appropriate industry classification. However, one similar 'industry' is tourism. As defined in the ABS Satellite accounts, tourism is not a stand-alone industry in the normal sense, but a combination of other industries including transport, accommodation, food service provision, retail trade and entertainment. This approximates the economic stimulus due to the rail trail.

One of the challenges in estimating tourism multipliers is the lack of readily available information on how tourism interacts with other industries. The effects of tourism are implicitly included in the national accounts, however a separate category for tourism is not included as it is not considered an industry or product (ABS, 2016).

The contribution of tourism towards core industries can be found in the Tourism Satellite Accounts (ABS, 2016). One caveat of using the Satellite accounts is that they only contain data on a national level; i.e., there is no breakdown of how tourism interacts with core industries specific to NSW. Thus we have assumed that the proportion of economic activity that can be attributed to tourism in NSW is equal to the proportion attributed to tourism nationally.

Using these assumptions, SGS has calculated the flow of resources between tourism and each core industry. This allows us to create a new Input-Output table with multipliers for tourism as a separate industry, which have been applied to the off-site expenditure. The tourism multipliers have been presented in Table 3 below.

TABLE 3 TOURISM MULTIPLIERS FOR REGIONAL ECONOMY OF NSW

	Industry	Output	Value-added	Employment
Initial Effects	Tourism	1	0.46	5.80
Total Effects	Tourism	2.37	1.11	10.92

Source: SGS Economics & Planning (2017)

Inputs

The economic impact assessment only considers new visitors to the Goulburn-Crookwell rail trail as a result of its development. It is assumed that the development of the rail trail will attract a number of new day trip, day trip to overnight and overnight visitors who will extend their trip by one day. The assumptions are that day trip visitors will travel to the Council areas for the day to visit the rail trail, some day trip visitors will decide to stay the night and some visitors to the Council areas will extend their trip by a day.

The economic impact assessment takes two major inputs, the first being the number of new visitors who travel to the Council areas for the purpose of visiting the proposed railway, and secondly, the average spending per visitor per trip. SGS assumes that these visitors primary reason for travel is for the purpose of visiting the rail, therefore the entire spending from the trip will be considered as a benefit to the economy. Tourist spending was sourced from Tourism Research Australia (2015), and the feasibility study (Transplan Pty Ltd, Mike Haliburton Associates, 2015) inflated to current dollar value. To see a breakdown of unique visitors and tourist spending, refer to Table 4 below.

TABLE 4 VISITATION ASSUMPTIONS

	Number. Of Visitors	Spending per trip (inflated to 2017 \$)
Day trip	30,000	\$ 102.01
Day trip to overnight stay	5,000	\$ 71.34
Overnight stay extended by a day	5,000	\$ 173.35

Source: Tourism Research Australia; SGS Economics & Planning (2017), Transplan Pty Ltd and Mike Haliburton Associates (2015)

3.4 Major data inputs and assumptions: Construction

Construction Multipliers

The construction of the Goulburn-Crookwell rail trail is estimated to cost \$7,805,747 per year for two years. While there will be no stimulus to the tourism industry during this period, the construction industry will provide stimulus to the regional NSW economy. The construction of the rail trail itself has the ability to stimulate not only the construction industry, but also the NSW economy, contributing to productivity, value-added and the creation of full-time jobs.

Unlike the tourism industry, the construction industry is clearly defined by the ABS. Using National IO tables by the ABS, SGS scaled the national IO table down to the LGA level, creating a Goulburn Mulwaree IO table. In order to determine the impact the construction industry has on various economic indicators, SGS produces multipliers at both the Input Output Industry Groups (IOIG) and at the 1 digit ANZSIC level. For the purpose of this economic impact assessment, the construction industry at the one digit level is examined. The derived multipliers for the construction industry for Goulburn Mulwaree can be seen in Table 5 below. Goulburn Mulwaree multipliers were used because the bulk of the work is expected to draw from Goulburn, the most populous town between Goulburn and Crookwell, and because the multipliers are expected to be similar due to similar characteristics between the two towns.

TABLE 5 CONSTRUCTION INDUSTRY MULTIPLIERS

	Industry	Output	Value-added	Employment
Initial Effects	Construction	1	0.36	2
Total Effects	Construction	1.85	0.79	5

Source: SGS Economics & Planning (2017)

3.5 Economic impacts from the Goulburn-Crookwell rail trail

Impacts from tourism

Applying the visitation assumptions from Table 4 to the tourism multipliers in Table 3 yields the following increases in economic output, value added and employment due to increases in tourism expenditure due to the rail trail.

TABLE 6 ECONOMIC IMPACT DUE TO TOURISM

	Output	Value-added	Employment
Initial effects	\$4.284	\$1.970	25
Total effects	\$10.152	\$4.755	47

Source: SGS Economics & Planning (2017)

Considering all flow on effects, the operation of the rail trail is likely to result in an additional \$10 million dollars a year to the economy, with close to a \$5 million boost to value added and the addition of nearly 50 full time jobs.

Note that the results in Table 6 are for one year only, and not the entire period of analysis. It cannot be assumed that benefits accrue year on year thus each year is not summed to produce a total economic impact figure for the entire period of analysis.

Impacts as a result of construction

Assuming construction costs of \$7.8 million per annum for the two years of rail trail construction, the economic impact of the construction of the rail trail can be seen in Table 7 below. The initial impacts include an increase in value added of \$2.8 million and 16 new full time jobs. After considering flow on effects, the economy is likely to gain \$14.4 million in additional output, of which an additional \$6.17m is value added, and an additional 39 full time employees.

Note that the results in Table 7 are for one year of construction.

TABLE 7 ECONOMIC IMPACT DUE TO CONSTRUCTION

	Output	Value-added	Employment
Initial effects	\$7.806	\$2.810	16
Total effects	\$14.441	\$6.167	39

Source: SGS Economics & Planning (2017)

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General Manager - 15 June 2017

ITEM 12.4 **Charter/Terms of Reference for Building Review Committee**

FILE REFERENCE **I17/301**

AUTHOR **General Manager**

ISSUE

Providing details regarding the Charter for the Buildings Review Section 355 Committee and establishment of the Building Review Section 355 Committee.

RECOMMENDATION That -

1. Council receive and note the report as information and that 3 Councillors be nominated to serve in the Building Review Section 355 Committee.

BACKGROUND

At the Council Meeting held 20 April 2017 under resolution no. 97/17 Council requested the establishment of a Buildings Review Section 355 Committee including a Charter/Terms of Reference.

REPORT

Preliminary discussions were held in a workshop on Tuesday, 23 May 2017 with all senior staff and interested Councillors in attendance.

An initial charter/terms of reference was developed and it was also established that advertising for expressions of interest for community members to join the Buildings Review Section 355 Committee would be undertaken.

The reviewed Charter for the Building Review Section 355 Committee is attached for Councillors information.

Advertising expressions of interest for community members to become a member of the Buildings Review Section 355 Committee commenced on Tuesday, 30 May 2017.

In accordance with the Charter/Terms of Reference 3 Councillors will be required to nominate for the Building Review Section 355 Committee.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information and that 3 Councillors be nominated to serve in the Building Review Section 355 Committee.

ATTACHMENTS

1. ↓	Buildings Review s355 Committee Charter - 2017	Attachment
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Upper Lachlan Shire Council Buildings Review Section 355 Committee Charter

A Purpose of the Buildings Review Section 355 Committee

Legal Status

The Committee is constituted under Section 355 *Local Government Act 1993*.

Compliance

The Committee and members will be required to comply with applicable Council Policies and statutory requirements.

These may include but not limited to:

- *Anti-Discrimination Act 1977;*
- *Crimes Act 1900;*
- *Environmental Planning and Assessment Act 1979;*
- *Government Information (Public Access) Act 2009;*
- *Independent Commission against Corruption Act 1988;*
- *Local Government Amendment (Community Land Management) Act 1998;*
- *NSW Local Government (General) Regulation 2005;*
- *NSW Local Government Act 1993;*
- *NSW Ombudsman Act, 1974;*
- *NSW State Records Act 1998;*
- *Privacy and Personal Information Act 1998;*
- *Public Interest Disclosures Act 1994;*
- *Work Health and Safety Act 2011;*
- *Bribes, Gifts and Benefits Policy;*
- *Code of Business Practice;*
- *Code of Conduct;*
- *Code of Meeting Practice – Section 355 Committees;*
- *Complaints Management Policy;*
- *Disciplinary Policy;*
- *Fraud and Corruption Prevention Policy;*
- *Government Information (Public Access) Policy;*
- *Interaction between Councillors and Staff Policy;*
- *Payment of Expenses and Provision of Facilities Policy;*
- *Privacy Policy;*
- *Public Interest Disclosures Policy;*
- *Purchasing and Acquisition of Goods Policy and Procedures;*
- *Records Management Policy;*
- *Risk Management Policy;*
- *Section 355 Committee Policy;*
- *Service Delivery Policy;*
- *ICAC publication “No Excuse for Misuse, preventing the misuse of council resources”;*
- *NSW Ombudsman - Good Conduct and Administrative Practice (Guidelines for State and Local Government) June 2006; and*
- *Any other relevant legislation and guidelines as applicable.*

Resources

The Council will appoint an Executive Assistant as Minute Secretary to the Committee.

The Committee is to be serviced by Council and will be provided with a reasonable amount of assistance.

B Buildings Review Section 355 Committee

Roles and Responsibilities

The Committee will act as an advisory Committee to Council and has no executive powers, except those expressly provided by the Council. In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General Manager as defined by the *Local Government Act 1993*, and associated Regulations.

It is intended that the Committee leverages the experiences, expertise, and insight of key individuals committed to building professionalism in project management. The Committee's role is to:

1. Consider all options for the possible location of a proposed new Council Community and Civic Centre;
2. Consider all options for the possible location of a proposed new Council Works Depot;
3. Evaluate location options and make recommendations to Council.

The responsibilities of the Committee may be revised or expanded by the Council from time to time. The Committee's responsibilities are to assist Council to discharge its responsibilities with due care and diligence.

Council will review the effectiveness and performance of the Committee on a regular basis.

Composition

The Committee shall be comprised of:

- Mayor of Upper Lachlan Shire Council or his/her delegate;
- General Manager of Upper Lachlan Shire Council or his/her delegate (note: this is a non- voting position);
- Three Councillor representatives from the Upper Lachlan Shire Council; and
- Three community representatives with demonstrated skills and experience relating to the terms of reference contained in this Buildings Review Committee Charter.

Any vacancies occurring on the Committee by way of resignation, removal or insufficient community expressions of interest may be filled by the Council in such a way as it determines for each vacancy.

The Mayor shall be ex-officio Chair of the Committee.

A quorum for the Committee requires a simple majority of the appointed members, including at least three Upper Lachlan Shire Council Representatives. Meetings can be held in person, by telephone or by video conference. If an Upper Lachlan Shire Council Representative nominated to the Committee is unable to attend, they may choose an alternate Upper Lachlan Shire Council Representative to attend in their place.

This alternate of Council's Executive will attend all meetings of the Committee and other Council officers will attend at the discretion of the General Manager.

Note: All Committee members will be provided with agendas for all meetings a week in advance of the meeting. Any Councillor not a member of the Committee has the right to attend any Committee meeting, (as an observer).

Conflict of Interest

Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may arise. The final arbiter of such a decision is the Chairperson of the Committee.

Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

Review of the Charter

The Buildings Review Committee will review this Buildings Review Committee Charter on an as needs basis.

Appointments

Appointments to the Committee will be made by Council for a period of one year (commencing September each year) and Council will have the option to advertise for Community representatives or to reappoint existing members for a further term without advertising (up to a maximum of 4 years).

Removal of a Member

Council reserves the right to remove any Committee member at any time, with the disclosure of reason being given, and the Committee member has the right of appeal.

Meetings

The Buildings Review Committee will meet monthly or as required, to keep track of issues and the progress of the project's implementation and on-going support to its stakeholders.

The Council, General Manager or Committee Chair will have the power to call extraordinary meeting at any time to discuss business of an urgent nature.

Reporting

The minutes of every meeting, including recommendations to the Council, will be completed in an approved format, distributed to members, and forwarded to the General Manager's Executive Assistant within three working days of the meeting being held.

Remuneration

No Sitting Fee will be paid to a member of this Committee.

Insurance

Members of the Committee are covered by Council's insurance policies.

Terms of Reference

- Identify possible locations for a proposed new Council Community and Civic Centre maintaining a visionary view that will benefit the local community.
- Identify possible locations for a proposed new Council Works Depot providing a creative analysis that will benefit the local community.
- Publically seek expressions of interest for both Council Community and Civic Centre and Council Works Depot possible locations.
- Consider community conflicts and disputes, reconciling differences of opinion and approach to possible Council Community and Civic Centre and Council Works Depot site locations.
- Foster positive communication outside of the Buildings Review Section 355 Committee regarding the Committee's progress and outcomes.
- Consider all ideas and issues raised by all stakeholders for both Council Community and Civic Centre and Council Works Depot possible locations.
- Liaise with Council's architect regarding the suitability of possible site locations for both the Council Community and Civic Centre and the Council Works Depot.
- Evaluate possible Council Community and Civic Centre and Council Works Depot site locations against the selection criteria.
- Make recommendations to Council for endorsement of the selected Council Community and Civic Centre and Council Works Depot site locations.

General Manager - 15 June 2017

ITEM 12.5 **Consultative Committee Meeting Minutes**

FILE REFERENCE I17/307

AUTHOR **General Manager**

ISSUE

Minutes from the April meeting of the Consultative Committee.

RECOMMENDATION That -

1. Council receives and notes the Consultative Committee Meeting Minutes as information.

BACKGROUND

The minutes from the Consultative Committee meeting that was held on 5 June 2017 are attached including any recommendations that have been put forward by the Committee, to Council, for adoption.

REPORT

Attached for Councillors information are the Minutes from the Consultative Committee meeting that was held on 5 June 2017.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receives and notes the Consultative Committee Meeting Minutes as information.

ATTACHMENTS

1. ↓	Consultative Committee - 2017-06-05 - Minutes - Attachments	Attachment
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PRESENT: Mr J Bell (General Manager), Mr P Newham (Director of Works and Operations), Mrs T Dodson (Director of Environment & Planning), Mr K Kara, Mr R Stephenson, Mr B Smithers, Ms S Pearman, Mr M Wilson, Mr C Wray, Mrs H Peterson (Executive Assistant) and Clr J Searl (Observer).

THE ACTING CHAIRMAN DECLARED THE MEETING OPEN AT 11.05AM

Mr Stephenson accepted the role of Acting Chairman.

SECTION 1: APOLOGIES & LEAVE OF ABSENCE

Apologies were received for the absence of Mr B Johnston and Mr D Scott.

RESOLVED by Mr Bell and Mr Newham that the apologies be accepted and leave of absence granted.

- CARRIED

SECTION 2: DECLARATIONS OF INTEREST

Nil

SECTION 3: CONFIRMATION OF MINUTES

ITEM 3.1 **RESOLVED** by Mr Kara and Ms Pearman

That the minutes of the Consultative Committee Meeting held on 3 April 2017 be adopted.

- CARRIED

SECTION 4: REPORTS

ITEM 4.1 HUMAN RESOURCE COORDINATORS REPORT

RESOLVED by Mr Kara and Mrs Dodson

1. The Human Resource activity report information is received and noted.

- CARRIED

SECTION 5: ITEMS FOR DISCUSSION

1. M Wilson enquired who was undertaking the truck driver training (HR and HC) and requested that staff from Gunning be included to undertake this training. Human Resources Coordinator to advise Gunning Staff who will be undertaking training.
2. M Wilson enquired when would the supervisor training be organised. Human Resources Coordinator to contact the Manager of Works for the names of those staff who will be undertaking this training.
3. M Wilson advised that there are some staff who need to undertake chainsaw training. The Manager of Works to provide an updated list for staff who are required to undertake the chainsaw training.
4. Forklift training for appropriate staff was also raised. The Human Resources Coordinator liaise with the Manager of Works as to what staff are required to undertake the forklift training.

THE MEETING CLOSED AT 11.20

Minutes confirmed 7 AUGUST 2017

.....
Mayor

General Manager - 15 June 2017

ITEM 12.6 **WHS Committee Minutes**

FILE REFERENCE **I17/308**

AUTHOR **General Manager**

ISSUE

Minutes from the April meeting of the WHS Committee.

RECOMMENDATION That -

1. Council receives and notes the WHS Committee Meeting Minutes as information and adopts the following recommendation contained within the WHS Meeting Minutes:
 - The updated Asbestos Policy be adopted by Council.

BACKGROUND

The minutes from the WHS Committee meeting that was held on 5 June 2017 are attached including any recommendations that have been put forward by the Committee, to Council, for adoption.

REPORT

Attached for Councillors information are the Minutes from the WHS Committee

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS



Nil

RECOMMENDATION That -

1. Council receives and notes the WHS Committee Meeting Minutes as information and adopts the following recommendation contained within the WHS Meeting Minutes:
 - The updated Asbestos Policy be adopted by Council.

General Manager
WHS COMMITTEE MINUTES cont'd

ATTACHMENTS

1. 	Work Health and Safety Committee - 2017-06-05 - Minutes	Attachment
2. 	Asbestos Policy - 15 June 2017 - Resolution -17 - Review 2020	Attachment

PRESENT: Mr M Wilson, Mr P Cramp, Mr K Kara, Mr S Bill, Mr S Poidevin, Mr B Churchill, Mr S Roberts, Mr T Besley, Mrs S Hassett, Mr J Bell (General Manager), Mrs H Peterson (Executive Assistant) and Clr J Searl (Observer).

THE CHAIRMAN DECLARED THE MEETING OPEN AT 9.30AM

SECTION 1: APOLOGIES & LEAVE OF ABSENCE

An apology was received for the absence of Mr Garry Anable.

RESOLVED by Mr Bill and Mr Roberts that the apology be accepted and leave of absence granted.

- CARRIED

SECTION 2: DECLARATIONS OF INTEREST

Nil

SECTION 3: CONFIRMATION OF MINUTES

ITEM 3.1 **RESOLVED** by Mr Bell and Mr Poidevin

That the minutes of the Work Health and Safety Committee Meeting held on 3 April 2017 be adopted.

- CARRIED

SECTION 4: REPORTS

ITEM 4.1 INCIDENT REPORT

RESOLVED by Mr Churchill and Mr Besley

1. Mitigating actions/suggestions be discussed by the Committee, and be passed onto senior management for consideration; and
2. Committee members discuss/review current work practices within their work group/s to ensure that reasonable, practicable controls are in place to prevent / minimise the risk of these incidents from re-occurring.

- CARRIED

ITEM 4.2**CORRESPONDENCE**

RESOLVED by Mr Roberts and Mr Poidevin

1. The Safety Bulletins be acknowledged as read by the committee.
2. The Safety Bulletins be disseminated to relevant sections of Council.

- CARRIED

ITEM 4.3**ISOLATION AND DANGER TAGGING (TAG OUT PROCEDURE)**

RESOLVED by Mr Churchill and Mr Besley

1. The WHS Committee recommend to MANEX the WHS Inspection, Testing and Monitoring Procedure be adopted.

- CARRIED

ITEM 4.4**ACTION LIST**

RESOLVED by Mr Churchill and Mr Besley

1. The Committee receive and note the report as information.

- CARRIED

ITEM 4.5**UPDATED ASBESTOS POLICY**

RESOLVED by Mr Roberts and Mr Poidevin

1. The updated Asbestos Policy be forwarded to Council for adoption.

- CARRIED

SECTION 5: ITEMS FOR DISCUSSION

1. P Cramp presented correspondence from staff to the Chairman concerning two-wheel drive vehicle safety issues and phone contact issues when on-call. T Besley will follow up with Manager of Works with regard to the possibility of additional satellite phones being purchased and made available to staff when on-call.
2. Staff to be advised that the Defibrillator from the Crookwell swimming pool will be kept at Crookwell Depot during winter months. T Besley to follow with the Manager of Works exactly where the defibrillator will be stored and staff will be advised accordingly.
3. Trees at intersection – follow up with Works regarding distances in the standards set by the RMS and highlight any trees that may need to be removed.
4. SWMS to be prepared for roadside clean-up of asbestos. WHS Coordinator to organise SWMS as soon as possible.

THE MEETING CLOSED AT 10.05AM

Minutes confirmed 7 AUGUST 2017

.....
Mayor

POLICY:-	
Policy Title:	Asbestos Policy
File reference:	F10/618-03
Date Policy was adopted by Council initially:	18 February 2010
Resolution Number:	56/10
Other Review Dates:	20 June 2013
Resolution Number:	165/13
Current Policy adopted by Council:	20 June 2013
Resolution Number:	165/13
Next Policy Review Date:	2016

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

RESPONSIBILITY:-	
Draft Policy Developed by:	Environment and Planning
Committee/s (if any) consulted in the development of this policy::	WHS Committee
Responsibility for implementation:	Director of Environment and Planning
Responsibility for review of Policy:	Director of Environment and Planning

Model Asbestos Policy for NSW Councils

Foreword

Local Government plays a critical role in reducing the risks posed by asbestos. Councils work together with the State Government and wider public to address the unfortunate legacy of asbestos in building materials and land contaminated with asbestos, as well as addressing naturally occurring asbestos.

This Model Asbestos Policy 2015 is an updated version of the Model Asbestos Policy that was developed in 2012 to assist NSW councils to formulate an asbestos policy and to promote a consistent approach to asbestos management by Local Government across NSW. The Model Asbestos Policy is designed for councils to either adapt an existing asbestos policy or develop a new asbestos policy.

A Guide to developing an asbestos policy based on the Model Asbestos Policy has also been prepared to assist NSW councils. The Guide, *Developing your council's asbestos policy: A guide to the Model Asbestos Policy for NSW councils* (catalogue no. WC03898) explains how councils may tailor certain sections of the Model Asbestos Policy to formulate their asbestos policy and provides a checklist. The Guide also offers background information and advice for councils.

The Model Asbestos Policy was developed by Local Government NSW on behalf of the Heads of Asbestos Coordination Authorities Working Group. The Heads of Asbestos Coordination Authorities Working Group comprises Local Government NSW and a number of State Government agencies that provided valuable input to this policy. A Local Government Reference Group and members of staff from councils across NSW also contributed useful advice regarding the Model Asbestos Policy.

Since it was first released, the Model Asbestos Policy has assisted NSW councils to prepare and adopt a sound asbestos policy to provide important information and guidance to council workers and local communities. The Model Asbestos Policy was issued to all councils in May 2013 by the Office of Local Government under section 23A of the *Local Government Act 1993* (NSW) as a guideline that must be considered by councils in carrying out their functions. As such, councils must consider this updated version of the Model Asbestos Policy.

Peter Dunphy
Chair, Heads of Asbestos Coordination Authorities
Executive Director
SafeWork NSW

Tim Hurst
Acting Chief Executive
Office of Local Government

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1. Introduction

Upper Lachlan Shire Council acknowledges the serious health hazard of exposure to asbestos.

In Australia, asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited since 31 December 2003. Yet asbestos legacy materials still exist in many homes, buildings and other assets and infrastructure. It is estimated that one in three Australian homes contains asbestos.

Where material containing asbestos is in a non-friable form (that is, cannot be crushed by hand into a powder), undisturbed and painted or otherwise sealed, it may remain safely in place. However, where asbestos containing material is broken, damaged, disturbed or mishandled, fibres can become loose and airborne posing a risk to health. Breathing in dust containing asbestos fibres can cause asbestosis, lung cancer and mesothelioma.

It is often difficult to identify the presence of asbestos by sight. Where a material cannot be identified or is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions. Further information about asbestos and the health impacts of asbestos can be found in Appendix A and website links to additional information are provided in Appendix B.

Council has an important dual role in minimising exposure to asbestos, as far as is reasonably practicable, for both:

- residents and the public within the Local Government Area (LGA)
- workers (employees and other persons) in council workplaces.

Council's legislative functions for minimising the risks from asbestos apply in various scenarios including:

- as a responsible employer
- contaminated land management
- council land, building and asset management
- emergency response
- land use planning (including development approvals and demolition)
- management of naturally occurring asbestos
- regulation of activities (non-work sites)
- waste management and regulation.

1.1 Purpose

This policy aims to outline:

- the role of council and other organisations in managing asbestos
- council's relevant regulatory powers
- council's approach to dealing with naturally occurring asbestos, sites contaminated by asbestos and emergencies or incidents
- general advice for residents on renovating homes that may contain asbestos
- council's development approval process for developments that may involve asbestos and conditions of consent
- waste management and regulation procedures for asbestos waste in the LGA
- council's approach to managing asbestos containing materials in council workplaces
- sources of further information.

1.2 Scope

This policy applies to all of the **Upper Lachlan Shire Council** LGA within council's jurisdiction.

The policy provides information for council workers, the local community and wider public. Part 1 of the policy includes the sections that are likely to be of most interest to the local community and wider public. Part 2 is information that applies to workers associated with council including employees, contractors, consultants, and

volunteers (as defined by the NSW *Work Health and Safety Regulation 2011*). Definitions for key terms used in the policy are provided in Appendix C and acronyms are listed in Appendix D.

The policy applies to friable, non-friable (bonded) and naturally occurring asbestos (where applicable) within the LGA.

The policy outlines council's commitment and responsibilities in relation to safely managing asbestos and contains general advice. For specific advice, individuals are encouraged to contact council or the appropriate organisation (contact details are listed in Appendix E).

The policy does not provide detail on specific procedures. Practical guidance on how to manage risks associated with asbestos and asbestos containing material can be found in the:

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW.
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW.
- Additional guidance material listed in Appendix B.
- Detailed information on council's procedures and plans may be found in other documents, which are referenced in part 2 under section 18.1.

2. Definitions

Definitions are provided in Appendix C.

3. Roles and responsibilities of council

3.1 Educating residents

Council shall assist residents to access appropriate information and advice on the:

- prohibition on the use and re-use of asbestos containing materials
- requirements in relation to development, land management and waste management
- risks of exposure to asbestos
- safe management of asbestos containing materials
- safe removal and disposal of minor quantities of asbestos containing materials.

Educational information and website links for educational materials can be found in Appendices A and B.

3.2 Managing land

Council is responsible for managing public land. This may include land with naturally occurring asbestos as described in section 5 and land contaminated with asbestos as outlined in section 6.

3.3 Managing waste

Where council is the appropriate regulatory authority, council is responsible for:

- Issuing clean up notices to address illegal storage or disposal of asbestos waste or after an emergency or incident (under the *Protection of the Environment Operations Act 1997*).
- Issuing prevention or clean up notices where asbestos waste has been handled (including stored, transported or disposed of) in an unsatisfactory manner (under the *Protection of the Environment Operations Act 1997*).
- Issuing penalty infringement notices for improper transport of asbestos (under the *Protection of the Environment Operations Act 1997*).
- Applying planning controls to proposals to dispose of asbestos waste on-site, seeking advice from the Environment Protection Authority (EPA) on this matter and making notation on planning certificates (section 149 certificates) where on-site disposal is permitted.
- Crookwell Waste Management Facility is the only operating licensed landfill facility that accepts asbestos waste in the Upper Lachlan Shire Council LGA.

Waste facilities that are licensed to accept asbestos waste are listed in Appendix F.

3.4 Regulatory responsibilities

Council has regulatory responsibilities under the following legislation, policies and standards in situations where council is the appropriate regulatory authority or planning authority:

- *Contaminated Land Management Act 1997* (NSW)
- *Environmental Planning and Assessment Act 1979* (NSW)
- *Environmental Planning and Assessment Regulation 2000* (NSW)
- *Local Government Act 1993* (NSW)
- *Protection of the Environment Operations Act 1997* (NSW)
- *Protection of the Environment Operations (General) Regulation 2009* (NSW)
- *Protection of the Environment Operations (Waste) Regulation 2014* (NSW)
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *Demolition work code of practice 2015* (catalogue no. WC03841).

Additional legislation, policies and standards relating to the safe management of asbestos are listed in Appendix G.

The situations in which council has a regulatory role in the safe management of asbestos are listed in Table 1.

Table 1: Situations in which council has a regulatory role in managing asbestos

Issue	Council's role	Section of policy
Contaminated land	<ul style="list-style-type: none"> Record known asbestos site contamination on section 149 certificates where practicable and for council workplaces, record on council's asbestos register. Notify stakeholders of land use planning policy requirements relating to contamination. Manage residential asbestos contaminated land that is not declared 'significantly contaminated' under the <i>Contaminated Land Management Act 1997</i> (excluding oversight of removal or remediation work which is the role of SafeWork NSW). 	Section 6
Development assessment	<ul style="list-style-type: none"> Assess development applications for approval under the <i>Environmental Planning and Assessment Act 1979</i>. Set conditions of consent for renovations, alterations, additions, demolitions or other developments requiring consent and which may involve disturbance of asbestos containing materials. Ensure compliance with development conditions. Apply conditions relating to development involving friable and non-friable asbestos material under the relevant legislation and planning codes and as outlined in section 9. 	Section 9
Demolition	<ul style="list-style-type: none"> Approve demolition under the <i>Environmental Planning and Assessment Act 1979</i>. Council certifiers approve development as complying development under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>. 	Section 9
Emergencies and incidents	<ul style="list-style-type: none"> Regulate the clean up of asbestos waste following emergencies where sites are handed over to the council or a local resident by an emergency service organisation (excluding oversight of licensed removal or remediation work which is the role of SafeWork NSW). Council may consider the need to issue a clean up notice, prevention notice or cost compliance notice under the <i>Protection of the Environment Operations Act 1997</i>. 	Section 7
Naturally occurring asbestos	<ul style="list-style-type: none"> Verify compliance with environmental planning and assessment legislation for development applications that could disturb naturally occurring asbestos. Prepare an asbestos management plan for council workplaces or road works which occur on land containing naturally occurring asbestos. 	Section 5
Residential premises	<ul style="list-style-type: none"> Respond to any public health risks (risks to council workers and wider public) relating to the removal of asbestos containing materials or asbestos work at residential properties that does not involve a business or undertaking. Respond to complaints about unsafe work at a residential property that is undertaken by a resident (not a worker, which is the role of SafeWork NSW). Respond to public health risks posed by derelict properties or asbestos materials in residential settings. 	Section 9
Waste	<ul style="list-style-type: none"> Manage waste facilities in accordance with environmental protection legislation. Respond to illegal storage, illegal dumping and orphan waste. Regulate non-complying transport of asbestos containing materials. 	Section 10

3.5 Responsibilities to workers

Council is committed to fulfilling its responsibilities to workers under the NSW *Work Health and Safety Act 2011* and NSW *Work Health and Safety Regulation 2011* and maintaining a safe work environment through council's:

- general responsibilities
- education, training and information for workers
- health monitoring for workers
- procedures for identifying and managing asbestos containing materials in council premises.

These responsibilities are outlined in part 2.

4. Other stakeholders involved in managing asbestos

Council is committed to working collaboratively with other government agencies and where appropriate, other stakeholders as needed to respond to asbestos issues.

Appendix E notes useful contacts and Appendix H notes agencies involved in managing asbestos. Various asbestos scenarios requiring stakeholders to work together are outlined in Appendix I.

Part 1 – Asbestos in the Local Government Area: Information for the community

5. Naturally occurring asbestos

Council is not aware of any naturally occurring asbestos in the LGA.

Naturally occurring asbestos only poses a health risk when elevated levels of fibres are released into the air, either by human activities or by natural weathering and these fibres are breathed in by people. Information on naturally occurring asbestos, work processes that have the potential to release naturally occurring asbestos fibres into the air and known locations of naturally occurring asbestos in NSW is provided in Appendix A under section 2.1. This information is indicative, and not a complete picture of all naturally occurring asbestos in NSW.

5.1 Responsibilities for naturally occurring asbestos

For naturally occurring asbestos that will remain undisturbed by any work practice, council is the lead regulator.

Where development applications propose activities that may disturb areas of naturally occurring asbestos (such as excavation), any consent or approval should contain conditions requiring: testing to determine if asbestos is present, and the development of an asbestos management plan if the testing reveals naturally occurring asbestos is present. Council will verify compliance with environmental planning and assessment legislation and together with the EPA and SafeWork NSW will coordinate enforcement where non-compliance is suspected.

Where naturally occurring asbestos will be disturbed due to a work process, including roadwork, excavation and remediation work, SafeWork NSW is the lead regulator. Requirements for workplaces are summarised in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW. Where naturally occurring asbestos is part of a mineral extraction process, the NSW Department of Industry is the lead regulator.

5.2 Managing naturally occurring asbestos

Where naturally occurring asbestos is encountered or suspected, the risk from disturbance of the naturally occurring asbestos should be assessed by an occupational hygienist.

The management of naturally occurring asbestos that stays in its natural state is not prohibited if managed in accordance with an asbestos management plan. Requirements for risk management, asbestos management plans and provisions for workers are outlined in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW. The SafeWork NSW website provides further information on naturally occurring asbestos and supporting documents on what people can do to avoid contact with naturally occurring asbestos.

- **5.2.1 Management of naturally occurring asbestos by council**

Council will aim to prevent the exposure of workers and the public to any naturally occurring asbestos that is known or discovered in the council workplace.

If naturally occurring asbestos is discovered in the LGA, Council will develop risk controls, an asbestos management plan in relation to the naturally occurring asbestos and provide guidance materials where necessary.

6. Contamination of land with asbestos

Background information on contamination of land with asbestos and potential disturbance of asbestos contaminated sites can be found in Appendix A under sections 2 and 3. The nature of asbestos contamination of land can vary significantly and there can be a number of different mechanisms available to address this contamination depending upon its source and extent.

6.1 Responsibilities for contaminated land

Responsibility for cleaning up contaminated land lies with the person responsible for contaminating the land or the relevant landowner.

Council may issue a clean up notice to the occupier of premises at or from which council reasonably suspects that a pollution incident has occurred, or is occurring, requiring asbestos waste to be removed (under part 4.2 of the *Protection of the Environment Operations Act 1997*).

Council may also issue prevention notices (under part 4.3 of the *Protection of the Environment Operations Act 1997*) to ensure good environmental practice. If a person does not comply with a prevention notice given to the person, council employees, agents or contractors may take action to cause compliance with the notice.

Any reasonable costs incurred by council in monitoring or enforcing clean up and prevention notices may be recovered through a compliance cost notice (under part 4.5 of the *Protection of the Environment Operations Act 1997*). Council shall keep records of: tasks undertaken; the hours council employees have spent undertaking those tasks; and expenses incurred.

During site redevelopment council will consider contamination with asbestos containing materials in the same way as other forms of contamination as stipulated by the *Environmental Planning and Assessment Act 1979*. That is, council will apply the general requirements of *State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land and the Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land*.

Council provides information about land contamination on planning certificates (issued under section 149 of the *Environmental Planning and Assessment Act 1979*) as outlined in section 6.2.

For sites that are 'significantly contaminated' and require a major remediation program independent of any rezoning or development applications, the EPA and SafeWork NSW are the lead regulatory authorities as outlined in Appendix A under section 2.4.2.

The management of council workplaces contaminated with asbestos is outlined in section 14.4.

6.2 Finding out if land is contaminated

A person may request from council a planning certificate containing advice on matters including whether council has a policy to restrict the use of land due to risks from contamination. Certificates are issued under section 149(2) of the *Environmental Planning and Assessment Act 1979*.

Factual information relating to past land use and other matters relevant to contamination may also be provided, even when land use is not restricted. When council receives a request for a certificate under section 149(2), it may also inform applicants of any further information available under section 149(5). Council may also use section 149(5) certificates to record other information, particularly anything else of a factual nature about contamination which council deems appropriate (such as details of land history, assessment, testing and remediation).

Council records can only indicate known contaminated sites. Any site may potentially be contaminated.

Council may issue notices to land owners or occupiers requiring information about land it has reason to believe may be contaminated by asbestos using section 192 and section 193 of the *Protection of the Environment Operations Act 1997*.

6.3 Duty to report contaminated land

A person whose activities have contaminated land or a landowner whose land has been contaminated is required to notify the EPA when they become aware of the contamination (under section 60 of the *Contaminated Land Management Act 1997*). Situations where this is required are explained in the document: *Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997*.

The EPA will inform council of contaminated land matters relating to the LGA as required under section 59 of the *Contaminated Land Management Act 1997*.

6.4 Derelict buildings

Concerns regarding potential health risks from derelict properties may be directed to council. Derelict properties include abandoned buildings, fire damaged buildings and otherwise dilapidated buildings. Where derelict properties contain friable asbestos and asbestos is exposed, either from human activities or weathering, this poses a potential risk to public health.

Council may respond to derelict properties that pose a demonstrable public health risk using a range of regulatory tools according to the particular circumstances.

Council may issue a clean up notice or prevention notice and compliance cost notice as noted in section 6.1.

Council may also order a person to demolish or remove a building if the building is so dilapidated as to present harm to its occupants or to persons or property in the neighbourhood (under section 121B 2(c) of the *Environmental Planning and Assessment Act 1979*). An order may require immediate compliance with its terms in circumstances which the person who gives the order believes constitute a serious risk to health or safety or an emergency (under section 121M of the *Environmental Planning and Assessment Act 1979*). If a person fails to comply with the terms of an order, council may act under section 121ZJ of the *Environmental Planning and Assessment Act 1979* to give effect to the terms of the order, including the carrying out of any work required by the order.

If the derelict building is on a site that is a workplace then SafeWork NSW is the lead agency responsible for ensuring that asbestos is removed by appropriately licensed removalists.

7. Responding to emergencies and incidents

Emergencies and incidents such as major collapses, cyclones, explosions, fires, storms, or vandalism can cause damage to buildings or land that contain asbestos. This may include working with state agencies in accordance with the NSW Asbestos Emergency Plan and the Disaster Assistance Guidelines. This can create site contamination issues and potentially expose emergency service workers and the wider public to asbestos. Emergencies or incidents can arise from natural hazards, or from accidental or deliberate human activities including criminal activity.

7.1 Responsibilities in the clean up after an emergency or incident

Council may play a role in ensuring that asbestos containing materials are cleaned up after an emergency or incident. If the emergency or incident occurs at a workplace, SafeWork NSW is the lead agency.

Council may issue a clean up, prevention, cost compliance or penalty infringement notice as outlined in section 3.3 and section 6.1.

Alternatively, council may act under the *Environmental Planning and Assessment Act 1979* as outlined in section 6.4 of this policy.

Council will determine an appropriate response depending on the nature of the situation.

This may include to:

- Seek advice from an occupational hygienist on the likely level of risk and appropriate controls required.
- Liaise with or consult the appropriate agencies.
- Inform emergency personnel of any hazards known to council as soon as practicable.
- Follow the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW.

- Ensure that any council workers attending the site have appropriate training and are wearing appropriate personal protective equipment.
- Exclude the public from the site.
- Inform the public of the potential sources of exposure to asbestos, health risks and emergency management response.
- Minimise the risks posed by any remaining structures (see section 6.4).
- Address the risks posed by disturbed asbestos containing materials by engaging a licensed removalist (as outlined in section 14.6.2) or issuing a clean up or prevention notice (as outlined in section 6.4) to ensure asbestos containing materials are removed for disposal.
- Ensure that the site is kept damp, at all times or sprayed with PVA glue, particularly where friable asbestos is present, if considered appropriate (noting that in some instances this may not be appropriate, for example if there are live electrical conductors or if major electrical equipment could be permanently damaged or made dangerous by contact with water).
- Ensure that asbestos containing materials are disposed of at a facility licensed to accept asbestos waste and sight proof of appropriate disposal through weighbridge dockets or similar documentation.

7.2 Advice to the public regarding clean up after an emergency or incident

During a clean up after an emergency or incident, the possibility of neighbours being exposed to asbestos fibres may be very low if precautions are taken to minimise the release and inhalation of asbestos dust and fibres.

As a precautionary measure, where council is involved in a clean up, council may consider advising those in neighbouring properties to:

- avoid unnecessary outdoor activity and do not put any laundry outside during the clean up
- close all external doors and windows and stay indoors during the clean up
- consider avoiding using air conditioners that introduce air from outside into the home during the clean up
- dispose of any laundry that may have been contaminated with asbestos as asbestos waste after the clean up (advice on disposing of asbestos waste is provided in section 10)
- use a low pressure hose on a spray configuration to remove visible dust from pathways after the clean up
- wipe dusty surfaces with a damp cloth and bag and dispose of the cloth as asbestos waste after the clean up (advice on disposing of asbestos waste is provided in section 10)
- any other measures recommended by an occupational hygienist following assessment of the situation.

8. Council's process for changing land use

Council recognises the need to exercise care when changing zoning for land uses, approving development or excavating land due to the potential to uncover known or unknown asbestos material from previous land uses (for example, where a site has been previously been used as a landfill or for on-site burial of asbestos waste).

State Environmental Planning Policy No. 55 – Remediation of Land states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

Managing sites contaminated with asbestos material is addressed in section 6.

9. Council's process for assessing development

This section applies to development applications assessed under the *Environmental Planning and Assessment Act 1979* and complying development applications assessed under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or council's complying codes (see section 9.5.2). This includes alterations and additions to residential development, which may include internal work as well as extensions to the existing main structure, or changes to outbuildings, sheds or garages.

This section also covers renovations that do not require development consent or a complying development certificate. Development consent is not required to maintain an existing structure. For example, the replacement of windows, doors and ceilings may involve the removal of asbestos but is categorised as exempt development under the *Environmental Planning and Assessment Act 1979* and does not require development consent. In these instances, council has an educative role in providing owners and occupiers with advice and information about the identification and safe management of asbestos.

9.1 Responsibilities for approving development

Council is the consent authority for the majority of development applications in the LGA. The Joint Regional Planning Panel (JRPP) is also consent authority for certain local or regional development. Council may have representation on the JRPP.

Council or the JRPP may impose conditions of consent and a waste disposal policy to a development consent to ensure the safe removal of asbestos, where asbestos has been identified or may be reasonably assumed to be present.

Either council or a private certifier may assess a complying development certificate. Where a private certifier is engaged to assess a complying development certificate, the private certifier is responsible for ensuring that the proposed development activities include adequate plans for the safe removal and disposal of asbestos.

This also applies to the demolition of buildings. Certifiers are able to issue a complying development certificate under the Demolition Code of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Further information on demolition is provided in section 9.4.

When a private certifier issues a complying development certificate and is appointed as the Principal Certifying Authority for the development it is the certifier's responsibility to follow up to ensure that works including asbestos handling, removal and disposal if present, are carried out appropriately in accordance with the *Environmental Planning and Assessment Regulation 2000* (clause 136E). Compliance is covered in section 9.7.

9.2 Providing advice to home owners, renovators and developers

Council is committed to providing information to minimise the risks from asbestos in the LGA. Information is provided below and in Appendix A. Appendix B lists additional sources of information on how to deal safely with the risks of asbestos and Appendix J lists asbestos containing products that may be found around the home.

The key points are:

- Before any renovation, maintenance or demolition work is carried out, any asbestos or asbestos containing materials should be identified (refer to section 9.3).
- Where a material cannot be identified or it is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions.
- If asbestos containing materials can be maintained in good condition it is recommended that they be safely contained, left alone and periodically checked to monitor their condition, until demolition or redevelopment.
- If asbestos materials cannot be safely contained, they should be removed as outlined in section 9.4.
- For demolition or redevelopment, any asbestos containing materials should be safely removed and disposed of prior to the work commencing.

Anyone who is undertaking renovations themselves without a contractor is encouraged to refer to Appendices A and B for more information and contact council where they require further advice or clarification. Anyone engaging an asbestos removal contractor may contact SafeWork NSW with any queries as SafeWork NSW regulates asbestos removal by workers (as explained in section 9.4). Contact details for council and SafeWork NSW are provided in Appendix E.

9.3 Identifying asbestos

Information on common places where asbestos is likely to be found in residential, commercial and industrial premises with materials from prior to 2004 on the premises is provided in Appendix A.

A person may apply to council for a planning certificate (called a section 149 certificate) for the relevant land. Council may provide information on a planning certificate including whether council has a policy to restrict the use of land due to risks from asbestos contamination, as outlined in section 6.2.

Council aims to ensure that records are, as far as possible, accurate. In some instances, council may not have up-to-date information about asbestos for a property. Council may be able to provide general advice on the likelihood of asbestos being present on the land based on the age of the buildings or structures on the land. A general guide to the likelihood of asbestos presence based on building age is provided in Appendix A under section 2.2.

The most accurate way to find out if a building or structure contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos, such as an occupational hygienist (a competent person is defined by the *NSW Work Health and Safety Regulation 2011*). This is highly advisable before undertaking major renovations to buildings constructed, or containing materials from prior to 2004.

Property owners and agents are encouraged to inform any tenants or occupiers of the presence of asbestos and to address any potential asbestos hazards where appropriate.

Property owners who let their properties out are required to identify any asbestos within those properties before any work is carried out (this includes residential properties).

The *Work Health and Safety Regulation 2011* states that the person conducting a business or undertaking in any building constructed before 31 December 2003 must identify if there is any asbestos in the building.

All commercial properties that contain asbestos must have and maintain a current asbestos register and asbestos management plan.

9.4 Removing asbestos, refurbishments and demolitions

• 9.4.1 Removing asbestos at domestic premises

If development is undertaken by contractors, as is the case with a lot of home renovations, then the work is considered to be at a workplace and is regulated by SafeWork NSW under the *NSW Work Health and Safety Regulation 2011*. This requires that a person conducting a business or undertaking who is to carry out refurbishment or demolition of residential premises must ensure that all asbestos that is likely to be disturbed by the refurbishment or demolition is identified and, so far as reasonably practicable, is removed before the refurbishment or demolition is commenced.

Depending on the nature and quantity of asbestos to be removed, a licence may be required to remove the asbestos. The requirements for licenses are outlined below and summarised in the table in Appendix K. SafeWork NSW is responsible for issuing asbestos licences.

Friable asbestos must only be removed by a licensed removalist with a friable (Class A) asbestos removal licence. Except in the case of the removal of:

- asbestos containing dust associated with the removal of non-friable asbestos, or
- asbestos containing dust that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination (which is when the asbestos contamination is incidental and can be cleaned up in less than one hour).

The removal of more than 10 square metres of non-friable asbestos or asbestos containing material must be carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist.

The removal of asbestos containing dust associated with the removal of more than 10 square metres of non-friable asbestos or asbestos containing material requires a non-friable (Class B) asbestos removal licence or a friable (Class A) asbestos removal licence.

Removal of 10 square metres or less of non-friable asbestos may be undertaken without a licence. However, given the risks involved, council encourages residents to consider engaging a licensed asbestos removal contractor. The cost of asbestos removal by a licensed professional is comparable in price to most licensed tradespeople including electricians, plumbers and tilers.

All asbestos removal should be undertaken in accordance with the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).

If a residential premise is a workplace, the licensed asbestos removalist must inform the following persons before licensed asbestos removal work is carried out:

- the person who commissioned the work
- a person conducting a business or undertaking at the workplace
- the owner and occupier of the residential premises
- anyone occupying premises in the immediate vicinity of the workplace (as described in section 467 of the *NSW Work Health and Safety Regulation 2011*).

In certain circumstances, a premise may be used for both residential and commercial purposes and is therefore classified as a workplace.

All licensed asbestos removal must be:

- supervised by a supervisor named to SafeWork NSW
- notified to SafeWork NSW at least five days prior to the work commencing.

Requirements for the transport and disposal of asbestos waste are covered in section 10.

• 9.4.2 Removing asbestos at workplaces

The *NSW Work Health and Safety Regulation 2011* specifies requirements for demolition and refurbishment at a workplace with structures or plants constructed or installed before 31 December 2003. SafeWork NSW is the lead agency for regulating the safe management of asbestos at workplaces.

• 9.4.3 Obtaining approval for demolition

Demolition work is classified as high risk construction work in the *NSW Work Health and Safety Regulation 2011* and demolition licenses are required for some demolition work. The *Demolition work code of practice 2015* provides practical guidance on how to manage the risks associated with the demolition of buildings and structures. In most circumstances demolition of a structure requires development consent or a complying development certificate. Applicants need to enquire to council as to whether and what type of approval is required. Where a development application is required council's standard conditions need to be applied to ensure that asbestos is safely managed. Council's conditions for development consent are referred to in section 9.6.

A wide range of development, including residential, industrial and commercial development, can be approved for demolition as complying development under the *Demolition Code of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and the *Environmental Planning and Assessment Regulation 2000* provides mandatory conditions for complying development certificate applications.

Demolition of development that would be exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* is also exempt development and does not require consent. This includes minor structures such as carports, fences, sheds and the like.

9.5 Exempt or complying development

• 9.5.1 Exempt development

Exempt development does not require any planning or construction approval if it meets the requirements of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

This means that there is no ability for council or a private certifier to impose safeguards for the handling of asbestos through conditions of development consent. However, council advises that all asbestos removal work should be carried out in accordance with the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).

• 9.5.2 Complying development

The *Environmental Planning and Assessment Regulation 2000* (clause 136E) outlines conditions under which a complying development certificate can be issued for development that involves building work or demolition work and friable or non-friable asbestos.

Applications for complying development certificates must include details of the estimated area (if any) in square metres of friable and/or non-friable asbestos material that will be disturbed, repaired or removed in carrying out the development (under Schedule 1 part 2 of the *Environmental Planning and Assessment Regulation 2000*).

Where more than 10 square metres of non-friable asbestos is to be removed, a contract evidencing the engagement of a licensed asbestos removal contractor is to be provided to the principal certifying authority. The contract must specify the landfill site lawfully able to accept asbestos to which the removed asbestos will be delivered.

If the contract indicates that asbestos will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

If the work involves less than 10 square metres of non-friable asbestos and is not undertaken by a licensed contractor, it should still be undertaken in a manner that minimises risks as detailed in the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561). In instances where asbestos removal is less than 10 square metres of non-friable asbestos and not from a place of work, then SafeWork NSW would not be the agency responsible for regulating this activity. Concerns or complaints may be directed to council as outlined in section 11.

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* outlines the requirements for the applicant to notify their neighbours that works may include asbestos removal.

Further requirements to inform other persons of licensed asbestos removal are described in section 467 of the *NSW Work Health and Safety Regulation 2011* as noted in section 9.4.1 of this policy.

9.6 Development applications

If a proposed building does not meet the requirements of exempt or complying development then the alternative planning approval pathway is a development application (DA). A DA can only be approved by a local council, the JRPP or, for very large, State-significant development proposals, the State Government. A development application needs to be prepared and it will be assessed in accordance with the requirements of relevant environmental planning instruments and the development standards established by council. Council may undertake a site inspection as part of the DA assessment.

• 9.6.1 Pre-development application advice regarding asbestos

Council's pre-DA service enables proponents to discuss asbestos-related issues with council prior to lodging a DA, if the issue is raised. Council may inform applicants of this policy, fact sheets or websites. Generally this may be most relevant to structures erected or modified before the 1980s and any other structure that could be reasonably suspected to contain asbestos including those with building materials from prior to 2004.

• 9.6.2 Conditions of consent

• Relevant conditions, relating to work that may involve asbestos, shall be applied to consents.

- **If the works require a Construction Certificate**, work shall not commence until the Principal Certifying Authority (PCA) has inspected the site. Should the building to be demolished be found to be wholly or partly clad with or contain asbestos cement products, approval to commence demolitions shall not be given until the PCA is satisfied that all measures are in place so as to comply *SafeWork Guide to Working with Asbestos*.
- Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current *SafeWork Demolition License* and a current *SafeWork Class 2 (Restricted) Asbestos Licence*.
- In addition to the above provisions, any work carried out on asbestos cement products must be in accordance with those provisions relating to asbestos cement within the *NSW Construction Safety Act*

1912, Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983, as amended 1984.

9.7 Compliance and enforcement

9.7.1 Responsibilities for compliance and enforcement

The controls rely on information being provided and checked by the principal certifying authority which may be either the local council or a private certifier. A private certifier has powers under the *Environmental Planning and Assessment Act 1979* to issue construction certificates, compliance certificates, complying development certificates, occupation certificates and to carry out mandatory inspections. Councils will not always be the principal certifying authority. When a council is not nominated as the principal certifying authority for a complying development certificate or development application, the council may not have any knowledge of the asbestos matter. Accordingly, coordination of compliance and/or enforcement actions between the council and the private certifier will be required.

Council may take action on any development for which council has issued the development consent, even when not appointed as the principal certifying authority to ensure enforcement. Where council receives a complaint about a development for which council is not the principal certifying authority, council should consider whether council is the appropriate authority to resolve the matter. Complaints that warrant action by councils because of their greater enforcement powers include:

- urgent matters, for example, a danger to the public or a significant breach of the development consent or legislation
- matters that are not preconditions to the issue of the occupation/subdivision certificate.

In relation to naturally occurring asbestos, council is to verify compliance with environmental planning and assessment legislation and together with the EPA and SafeWork NSW is to coordinate enforcement where non-compliance is suspected.

9.7.2 Compliance strategies

Illegal works include:

- works that are undertaken without a required development consent or complying development certificate
- works that are undertaken that do not comply with the conditions of the development consent or complying development certificate.

Where council becomes aware of illegal work involving asbestos or asbestos containing materials, council will notify SafeWork NSW if the site is a workplace.

The *Environmental Planning and Assessment Act 1979* empowers council to issue orders to direct specific work be undertaken to comply with a development consent.

Council may need to issue an order under the *Local Government Act 1993* (section 124) to direct a person to 'do or refrain from doing such things as are specified in the order to ensure that land is, or premises are, placed or kept in a safe or healthy condition.'

Council may also issue a clean up notice or prevention notice under the *Protection of the Environment Operations Act 1997* as outlined in section 6.1 of this policy.

Council may audit asbestos-related demolition works which council has recently approved by using a legal notice under section 192 of the *Protection of the Environment Operations Act 1997* to require developers to provide information and records regarding disposal of their asbestos waste.

10. Managing asbestos as a waste

It is illegal to dispose of asbestos waste in domestic garbage bins or to recycle, reuse, bury or illegally dump asbestos waste. Asbestos must not be placed in general waste skip bins, yet there have been instances where asbestos has been illegally placed in skip bins by third parties. Members of the public need to be aware of this hazard and may need to secure their skip bins to prevent a third party from illegally disposing of asbestos in the skip bin.

Asbestos waste (in any form) must only be disposed of at a landfill site that may lawfully receive asbestos waste.

10.1 Responsibilities for asbestos waste management

Council's responsibilities for asbestos waste management are outlined in section 3.3.

The handling and, where appropriate, temporary storage of asbestos waste at worksites is regulated by SafeWork NSW.

The EPA regulates premises that have or require an environment protection licence in accordance with the *Protection of the Environment Operations Act 1997*. A licence is required where more than 5 tonnes of asbestos waste, brought from off-site, is stored at any time. All other sites where asbestos waste is stored, typically those that are non-work sites, are regulated by local councils.

10.2 Handling asbestos waste for disposal

The *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) provides details on waste containment and disposal and controls applicable to all types of asbestos removal (in section 4.8 of the Code).

10.3 Transporting asbestos waste

The following requirements apply to the transport of asbestos waste and non-compliance with these requirements is an offence under clause 78 of the *Protection of the Environment Operations (Waste) Regulation 2014*:

- (a) any part of any vehicle in which the person transports the waste is covered, and leak-proof, during the transportation, and
- (b) if the waste consists of bonded asbestos material-it is securely packaged during the transportation, and
- (c) if the waste consists of friable asbestos material-it is kept in a sealed container during transportation, and
- (d) if the waste consists of asbestos-contaminated soils-it is wetted down.

Asbestos waste that is transported interstate must be tracked in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*. The transport of asbestos waste in NSW must be recorded from the place of generation to its final destination. The waste tracking system is administered by the EPA. Operators that use the EPA's WasteLocate system will be in compliance with these requirements. Information about EPA's WasteLocate system can be found at: www.epa.nsw.gov.au/wasteregulation/transport-asbestos-tyres.htm

An environment protection licence issued by the EPA is required to transport asbestos waste interstate where any load contains more than 200 kilograms of asbestos waste.

It is an offence to transport waste to a place that cannot lawfully receive that waste, or cause or permit waste to be so transported (under section 143 of the *Protection of the Environment Operations Act 1997*). Penalty notices may be issued for \$7,500 (to individuals) and \$15,000 (to corporations). NSW courts may impose penalties up to \$250,000 (for individuals) and \$1,000,000 (for corporations) found guilty of committing this offence.

10.4 Disposing of asbestos waste at waste facilities

Waste management facilities in the LGA that accept asbestos wastes:

Crookwell Waste Management Facility

- hours of operation 10am – 4pm Friday – Monday
- contact details: 02 4830 1000
- fees for disposing of asbestos waste: in accordance with Council's current Operational Plan
- any restrictions or additional conditions on receiving asbestos waste: Booking required. Triple wrapped and secured. When transporting asbestos it must be covered and in a leak-proof vehicle.
- Further information regarding the disposal of asbestos waste can be found on Council's website: www.upperlachlan.nsw.gov.au

Upper Lachlan Shire Council will not accept asbestos waste at Taralga, Collector, Gunning, Tuena or Bigga Waste Management Facilities.

Persons delivering waste to a landfill site must comply with the following requirements:

- a person delivering waste that contains asbestos to a landfill site must inform the landfill occupier of the presence of asbestos when delivering the waste.
- when unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust.

Non-compliance with these requirements is an offence under the *Protection of the Environment Operations (Waste) Regulation 2014* and these offences attract strong penalties.

• 10.4.1 Situations in which asbestos waste may be rejected from waste facilities

Asbestos waste may be rejected from a waste facility if the waste is:

- not correctly packaged for delivery and disposal (as per sections 10.2 and 10.3)
- not disclosed by the transporter as being asbestos or asbestos containing materials, or
- taken to a waste facility that does not accept asbestos waste.

Where waste is rejected, the waste facility must inform the transporter of the waste of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the *Protection of the Environment Operations (Waste) Regulation 2014*).

Individuals may be fined \$7,500 and corporations may be fined \$15,000 under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Waste) Regulation 2014* for transporting asbestos waste to a facility that cannot lawfully receive asbestos waste.

10.5 Illegal dumping of asbestos waste

Illegal dumping is the unlawful deposit of waste onto land. That is waste materials dumped, tipped or otherwise deposited onto private or public land where no licence or approval exists to accept such waste. Illegal landfilling, which is waste used as fill material, with or without the consent of the owner or occupier of the land and without the necessary council or EPA approvals, is also considered to be illegal dumping and pollution of land.

Illegal dumping of asbestos waste in public places such as parks, streets or nature strips can attract regulatory action including:

- on the spot fines of up to \$15,000
- prosecution for pollution of land of up to \$1 million for a corporation and \$120,000 for each day the offence continues (under section 142A of the *Protection of the Environment Operations Act 1997*), or
- up to \$1 million, or seven years imprisonment, or both for an individual (under section 119 of the *Protection of the Environment Operations Act 1997*).

The responsibility for cleaning up illegally dumped waste lies with the person or company that deposited the waste. If they cannot be identified the relevant occupier or landowner becomes the responsible party.

Local councils are the appropriate regulatory authority for illegal dumping unless:

- the activity was part of the carrying on of an activity listed in Schedule 1 of the *Protection of the Environment Operations Act 1997*
- the activity was carried out by a public authority or the state, or
- the site is regulated by a different authority such as the Minister for Planning.

A handbook to assist Aboriginal communities to prevent and arrange the clean up of illegal dumping (published by the EPA) is noted in Appendix B.

10.6 Asbestos remaining on-site

The disposal of asbestos on site is not encouraged as it requires an effective ongoing system of long term management to ensure the material does not pose unacceptable risks to future site activities and occupants. For on-site burial of asbestos waste, council will seek advice from the EPA. Council will confirm if on-site disposal is permitted under planning controls whether or not consent is required and will require recording of on-site disposal on the zoning certificate (section 149 certificate).

11. Complaints and investigations

Complaints and inquiries may be directed to council about incidents in public places and private properties. Complaints and inquiries regarding a workplace should be directed to SafeWork NSW. Complaints and inquiries regarding licensed premises under the *Protection of the Environment Operations Act 1997* should be directed to the EPA.

Council will respond to complaints and inquiries regarding:

- council's requirements in relation to development, land management and waste management
- derelict properties
- general asbestos safety issues
- illegal dumping
- safe removal and disposal of minor quantities of asbestos materials
- unsafe work at a residential property conducted by a homeowner or tenant.

Complaints about council in relation to asbestos may be directed to the NSW Ombudsman.

Part 2 – Management of asbestos risks within council

12. Rights and responsibilities of workers at the council workplace

12.1 Duties of council workers at the council workplace

• 12.1.1 The General Manager

The General Manager has a duty to exercise due diligence to ensure that council complies with the NSW *Work Health and Safety Act 2011* and the NSW *Work Health and Safety Regulation 2011*. This includes taking reasonable steps to ensure that council has and uses appropriate resources and processes to eliminate or minimise risks associated with asbestos.

• 12.1.2 Workers

Workers have a duty to take reasonable care for their own health and safety and that they do not adversely affect the health and safety of other persons. Accordingly workers:

- must comply with this policy and any reasonable instruction or procedure relating to health and safety at the workplace
- must use any personal protective equipment provided, in accordance with information, training and reasonable instruction provided so far as the worker is reasonably able
- may cease, or refuse to carry out, work if the worker has a reasonable concern that to carry out the work would expose them, or other persons, to a serious health or safety risk, emanating from an immediate or imminent exposure to a hazard
- should ensure they are using the latest version of all relevant procedures, plans, guidelines and legislation (refer to Appendix G).

Managers are responsible for ensuring workers who report to them have access to this policy and appropriate information, documentation and training.

• 12.1.3 Prohibited work activities

Council will not permit the use of the following on asbestos or asbestos containing material:

- high pressured water spray (unless for fire fighting or fire protection purposes), or
- compressed air.

Council will not permit the following equipment to be used on asbestos or asbestos containing material unless the use of the equipment is controlled in accordance with the NSW *Work Health and Safety Regulation 2011*:

- power tools
- brooms (note brooms are allowed for use on vinyl floor tiles), or
- any other implements that cause the release of airborne asbestos into the atmosphere.

12.2 Responsibilities of council to council workers

• 12.2.1 Council's general responsibilities

Council has general responsibilities under the NSW *Work Health and Safety Act 2011* and the NSW *Work Health and Safety Regulation 2011*. Accordingly council will:

- not use any asbestos containing materials (unless in accordance with part 8.1 (419) of the NSW *Work Health and Safety Regulation 2011*) and will not cause or permit asbestos waste in any form to be reused or recycled
- ensure that exposure of a person at the workplace to airborne asbestos is eliminated so far as is reasonably practicable

- ensure that the exposure standard for asbestos (defined in Appendix C) is not exceeded in the workplace
- notify SafeWork NSW immediately if persons are likely to be affected by asbestos fibres or if an air monitoring process records respirable asbestos fibre levels above 0.02 fibres/ml of air
- ensure that any contractors engaged to undertake the removal of asbestos for council are appropriately licensed
- consult with workers as required by the *Work Health and Safety Act 2011*.

Council will not import asbestos or asbestos containing material into Australia as prohibited under the *Customs (Prohibited Imports) Regulations 1956*. If plant or other materials are imported from countries where asbestos is not yet prohibited, council shall ensure the plant or materials do not contain asbestos prior to supply or use in the workplace.

• 12.2.2 Education, training and information for workers

As required by the NSW *Work Health and Safety Act 2011* and NSW *Work Health and Safety Regulation 2011*, council will:

- provide any information, training, instruction or supervision that is necessary to protect all persons at the workplace from risks to their health and safety arising from work carried out as part of the conduct of council business
- ensure workers who council reasonably believes may be involved in asbestos removal work or the carrying out of asbestos-related work in the workplace are trained in the identification, safe handling and suitable control measures for asbestos and asbestos containing material.

A record of asbestos training undertaken by each worker will be kept until five years after the day the worker ceases to work for council.

A list of workers who have received the appropriate training to respond to asbestos hazards is available. The information can be accessed in the HR Training Plan.

• 12.2.3 Health monitoring for workers

Council will ensure health monitoring is provided to a worker if they are carrying out licensed asbestos removal work, other ongoing asbestos removal work or asbestos-related work at the workplace for council and are at risk of exposure to asbestos when carrying out the work.

The health monitoring will be consistent with the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) and meet the requirements of the NSW *Work Health and Safety Regulation 2011* (part 8.5 Division 1).

Health counselling may be appropriate where a heightened sense of concern exists for individuals possibly exposed to elevated levels of airborne asbestos fibres.

Employees who were exposed to asbestos in the past and if there is a risk to the health of the employee as a result of that exposure, are covered by the NSW *Work Health and Safety Regulation 2011* (clauses 435-444). Council will ensure these employees are kept on the health monitoring program.

13. Identifying and recording asbestos hazards in the council workplace

This section outlines how council will identify and record asbestos hazards in the workplace. This section does not cover naturally occurring asbestos which is addressed in section 5 or illegal dumping which is addressed in section 10.5.

13.1 Identifying asbestos

Council will ensure, so far as is reasonably practicable, that all asbestos or asbestos containing material at the workplace is identified by a competent person (as defined by the NSW *Work Health and Safety Regulation 2011*). If a material cannot be identified or accessed, it will be assumed to be asbestos. This does not apply if council has reasonable grounds to believe that asbestos or asbestos containing material is not present.

- **13.1.1 Material sampling**

Council may choose to identify asbestos or asbestos containing material by arranging for a sample to be analysed. Where council arranges sampling of asbestos containing material, this will be undertaken by an appropriately trained and competent council worker or a competent person will be contracted to undertake this task. Analysis of the sample must only be carried out by a National Association of Testing Authorities (NATA) accredited laboratory (refer to Appendix E) or a laboratory approved or operated by the regulator.

13.2 Indicating the presence and location of asbestos

Council will clearly indicate the presence and location of any asbestos or asbestos containing material identified or assumed at the workplace. Where it is reasonably practicable to do so, council will indicate the presence and location of the asbestos or asbestos containing material by a label.

13.3 Asbestos register

Council's asbestos register will be maintained to ensure the register lists all identified (or assumed) asbestos in the workplace and information in the register is up to date. The asbestos register will be accessible, reviewed, revised and otherwise managed as mandated by the NSW *Work Health and Safety Regulation 2011* (clauses 425 – 428).

Council will ensure that any worker carrying out or intending to carry out work at a council workplace that involves a risk of exposure to airborne asbestos, is given a copy of the asbestos register.

13.4 Suspected asbestos

If a worker suspects there is asbestos in a council workplace, they should inform their manager or supervisor. A competent worker should check the asbestos register for existing asbestos locations and control measures and may need to arrange for an inspection and sampling of the material (refer to section 13.1.1). If it is likely that asbestos or suspected asbestos is present, the asbestos register will be updated and workers will be notified of any newly identified asbestos locations.

Council may need to manage the suspected asbestos as outlined in section 14. If the suspected asbestos has been disturbed and has, or could, become airborne, council may need to respond immediately as outlined in section 15.

14. Managing asbestos-related risks in the council workplace

14.1 Asbestos management plan

Council will prepare an asbestos management plan.

The asbestos management plan will be accessible, reviewed, revised and otherwise managed as mandated by the NSW *Work Health and Safety Regulation 2011* clause 429.

14.2 Asbestos management plan for naturally occurring asbestos

Council is not aware of any naturally occurring asbestos in the workplace. If naturally occurring asbestos is discovered, Council will prepare an asbestos management plan.

14.3 Management options for asbestos-related risks in the council workplace

Council's asbestos management plan includes decisions and reasons for decisions about the management of asbestos at the workplace.

Options for managing asbestos-related risks include:

- removal of asbestos or asbestos containing materials (preferred wherever reasonably practicable)
- interim control measures: enclosure (only for non-friable asbestos), encapsulation (when the original asbestos bond is still intact) or sealing (where the sealed material is unlikely to be subject to mechanical damage) asbestos containing material, to be implemented along with regular inspections by a competent person
- leaving asbestos containing material in situ (deferring action).

Council may undertake an asbestos risk assessment, in consultation with workers and/or their representatives, in order to inform decision-making. Only competent persons will perform risk assessments or any subsequent reviews or revisions of risk assessments.

For all asbestos work or asbestos-related work, safe work practices will be in place and suitable personal protective equipment will be used.

14.4 Sites contaminated with asbestos that are council workplaces

Where asbestos is identified as contaminating a workplace, the site will be included in council's asbestos register and asbestos management plan.

Council may need to ensure that an exposure assessment is undertaken and that appropriate risk management options are determined and implemented.

For asbestos in soil or aggregate, a suitably qualified occupational hygienist must carry out an assessment if the material in the soil and aggregate is unknown or classified as friable.

Council should engage specialists, who may include asbestos removalists, for all cases except in the case of minor, non-friable contaminations.

Further details on managing land contaminated with asbestos may be found in section 6.

14.5 Demolition or refurbishment of council buildings and assets

Council will ensure that before any demolition or refurbishment of a council structure or plant constructed or installed before 31 December 2003 is undertaken, the asbestos register is reviewed and a copy provided to the business undertaking the demolition or refurbishment. Council will ensure that any asbestos that is likely to be disturbed is identified and, so far as is reasonably practicable removed.

14.6 Removal of asbestos in the council workplace

Removal of asbestos or asbestos containing materials in the council workplace will be undertaken in accordance with the:

- NSW *Work Health and Safety Act 2011*
- NSW *Work Health and Safety Regulation 2011*.

Council may also refer to the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).

For licensed asbestos removal work, a licensed asbestos removalist must meet the requirements of the NSW *Work Health and Safety Regulation 2011* including the requirements to:

- notify SafeWork NSW at least five days prior to the asbestos removal work commencing. However, in the case of emergency work, such as burst pipes, fires and illegally dumped asbestos, council may request to SafeWork NSW that this five days period be waived
- prepare, supply and keep an asbestos removal control plan
- obtain a copy of the asbestos register for the workplace before carrying out asbestos removal work at the workplace (this does not apply if the asbestos removal work is to be carried out at residential premises, for example cleaning up asbestos that has been illegally dumped at a residential premises)
- inform the person with management or control of the workplace that the licensed asbestos removal work is to be carried out at the workplace
- erect signs and barricades
- limit access to the asbestos removal area
- properly dispose of asbestos waste and dispose of, or treat, contaminated personal protective equipment
- arrange a clearance inspection and clearance certificate.

Where council is informed that asbestos removal work is to be carried out at the workplace, council will inform workers and those in the immediate vicinity of the workplace and limit access to the asbestos removal area as per the NSW *Work Health and Safety Regulation 2011*.

• 14.6.1 Removal by council employees

Council will ensure that before any Council employee undertakes asbestos (or suspected asbestos) removal work they are:

- appropriately trained
- adequately supervised
- provided with appropriate personal protective equipment and clothing
- provided access to this policy
- provided with information about the health risks and health effects associated with exposure to asbestos and the need for, and details of, health monitoring
- develop SWMs in accordance with the SWMs Procedure.

• 14.6.2 Removal by contractors

Where council commissions the removal of asbestos at the workplace, council will ensure asbestos removal work is carried out only by a licensed asbestos removalist who is appropriately licensed to carry out the work, unless specified in the NSW *Work Health and Safety Regulation 2011* that a licence is not required.

Where council requires the services of asbestos removalists, council will require the licence details of asbestos removalists prior to engaging their services and will verify the licence details with SafeWork NSW's Certification Unit prior to entering a contract or agreement with the licensed asbestos removalists.

Council is required to ensure that the work is carried out by a competent person who has been trained in the identification and safe handling of, and suitable control measures for, asbestos and asbestos containing material. Council will therefore require a statement in a written contract or agreement with the licensed asbestos removalist that the licensed asbestos removalist who will undertake the work has been adequately trained and is provided with appropriate health monitoring by their employer.

The licensed asbestos removalist is to provide the following documentation prior to carrying out asbestos removal work:

- Asbestos removal control plan
- Public liability certificate of currency

- Workers compensation certificate of currency
- SafeWork NSW confirmation details to carry out the removal work

Council will provide a copy of the asbestos register to the licensed asbestos removalist.

Where council becomes aware of any breaches by licensed asbestos removalists, council will report this to SafeWork NSW.

• 14.6.3 Clearance inspections and certificates

Where council commissions any licensed asbestos removal work, council will ensure that once the licensed asbestos removal work has been completed, a clearance inspection is carried out and a clearance certificate is issued by an independent licensed asbestos assessor (for Class A asbestos removal work) or an independent competent person (in any other case) before the asbestos removal area is re-occupied.

The friable asbestos clearance certificate will require visual inspection as well as air monitoring of the asbestos removal site. Air monitoring is mandatory for all friable asbestos removal. The air monitoring must be conducted before and during Class A asbestos removal work by an independent licensed asbestos assessor.

The friable asbestos clearance certificate is to state that there was no visible asbestos residue in the area or vicinity of the area where the work was carried out and that the airborne asbestos fibre level was less than 0.01 asbestos fibres/ml.

15. Accidental disturbance of asbestos by workers

In situations where asbestos is accidentally disturbed by council work and has, or could, become airborne, council will act to minimise exposure of workers and the wider public to airborne asbestos.

It may be appropriate that Council:

- Stop works in the vicinity of the asbestos immediately;
- Inform the site supervisor immediately, inform necessary workers and record the incident;
- Evacuate the area;
- Provide personal protective equipment and briefing to appropriately trained workers who will respond to the incident;
- Restrict access to the area and ensure only appropriately trained and equipped Council workers attend the site;
- Exclude the public from the site and provide information to the public if in a public area;
- Wet surfaces to reduce the dust level;
- Prevent the spread of contamination by using wash down facilities;
- Provide information, training and supervision to all workers potentially at risk;
- Contact SafeWork to report the disturbance. SafeWork must be immediately notified if persons are likely to be affected by asbestos fibres or if an air monitoring process records a level above 0.02 fibres/ml of air;
- Implement an air monitoring program to assess asbestos exposure levels and specific risk control measures;
- Liaise with or consult the appropriate agencies;
- Seek advice from an occupational hygienist;
- Follow the Code of Practice on how to safely remove asbestos (Catalogue No WC03561);
- Ensure that asbestos materials are disposed of at a facility licensed to accept asbestos materials, and where contractors have been engaged to dispose of asbestos waste, sight proof of appropriate disposal through weighbridge dockets or similar documentation;
- Update the asbestos register and notify workers of any newly identified asbestos locations.

16. Council's role in the disposal of asbestos waste

16.1 Responding to illegal dumping

Where Council commissions the removal of illegally dumped asbestos material or suspected asbestos material, Council will ensure this is undertaken in accordance with section 14.6.2.

Where council becomes aware of illegally dumped asbestos material outside of council's jurisdiction, council will promptly notify the relevant authority.

16.2 Transporting and disposing of asbestos waste

Council will transport and dispose of waste in accordance with the legislation and as outlined in section 10.

16.3 Operating council's waste facility licensed to accept asbestos waste

Waste management facilities must be managed in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014* including clause 80 which specifies that:

- (1) A person disposing of asbestos waste off the site at which it is generated must do so at a landfill site that can lawfully receive the waste.
- (2) When a person delivers asbestos waste to a landfill site, the person must inform the occupier of the landfill site that the waste contains asbestos.
- (3) When a person unloads or disposes of asbestos waste at a landfill site, the person must prevent:
 - (a) any dust being generated from the waste, and
 - (b) any dust in the waste from being stirred up.
- (4) The occupier of a landfill site must ensure that asbestos waste disposed of at the site is covered with virgin excavated natural material or (if expressly authorised by an environment protection licence held by the occupier) other material:
 - (a) initially (at the time of disposal), to a depth of at least 0.15 metre, and
 - (b) at the end of each day's operation, to a depth of at least 0.5 metre, and
 - (c) finally, to a depth of at least 1 metre (in the case of bonded asbestos material or asbestos-contaminated soils) or 3 metres (in the case of friable asbestos material) beneath the final land surface of the landfill site.

Council **has** develop a charging policy for receiving asbestos waste, which reflects the actual cost of managing the asbestos waste, plus any applicable levies.

When council is receiving construction, renovation and demolition waste, council should visually screen and may also inspect incoming loads to minimise asbestos contamination risk as this waste may be high risk for asbestos materials. Council **shall** develop procedures to avoid asbestos contamination in material intended for resource recovery.

Council may issue a receipt for asbestos waste received at a licensed landfill facility. The receipt provided may note the time, date and location of disposal, weight of asbestos containing material disposed, method of disposal (note on handling) and a receipt number. This information must be recorded by the facility, regardless of whether a receipt is issued.

- **16.3.1 Asbestos waste incorrectly presented to council's waste facility**
- This section applies to situations where asbestos waste is taken to a council waste facility and the waste is:
 - not correctly packaged for delivery and disposal (as per sections 9.2 and 9.3)
 - not disclosed by the transporter as being asbestos or asbestos containing materials
 - taken to a waste facility that does not accept asbestos waste.

In these situations, council may record relevant details such as the:

- contact details of the transporter
- origin of the asbestos or asbestos containing material
- amount and type of asbestos or asbestos containing material

- reasons why the asbestos waste was not properly packaged, disclosed or transported to a waste facility licensed to receive asbestos waste
- development consent details (if applicable).

Where asbestos waste is not correctly packaged for delivery and disposal, or is not disclosed by the transporter as being asbestos or asbestos containing materials, council may:

- reject the asbestos waste from the facility
- suggest the transporter re-package the load correctly at the facility
- provide a bay for wetting and/or wrapping the asbestos and protective equipment for the transporter eg the option to purchase an asbestos waste handling kit (for non-commercial operators with less than 10 square metres of non-friable asbestos)
- provide the transporter with educational material such as SafeWork NSW fact sheets on correct methods for packaging, delivery and disposal of asbestos
- question the transporter about the source of asbestos waste
- issue a clean up notice or prevention notice under the *Protection of the Environment Operations Act 1997*
- issue a compliance cost notice under the *Protection of the Environment Operations Act 1997*
- issue a penalty infringement notice for improper transport of asbestos (under the *Protection of the Environment Operations Act 1997*).

Where asbestos waste is taken to a waste facility that does not accept asbestos waste, council may reject the waste. Where waste is rejected, council should complete a rejected loads register (a template is available from SafeWork NSW). Council will also inform the transporter of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the *Protection of the Environment Operations (Waste) Regulation 2014*). If council suspects that there is a risk of illegal dumping of the rejected waste, council will inform council's rangers or council's compliance officers. Suitable disposal for loads that are refused entry will remain the responsibility of the transporter and at a later date the transporter will need to demonstrate to council that the waste has been appropriately disposed.

Where asbestos waste is illegally dumped at an unstaffed waste station, management options for council include to:

- undertake surveillance via video cameras to issue fines or deter dumping
- provide targeted education to neighbouring landholders to ensure that they do not allow access to the waste station.

16.4 Recycling facilities

Council should screen and inspect incoming loads at recycling facilities for the presence of asbestos or asbestos containing materials to minimise asbestos contamination risk.

To prevent contamination of recycled products and to manage situations where contamination has occurred, council should adhere to the guide: *Management of asbestos in recycled construction and demolition waste*.

Council undertakes kerb side screening and manual screening at the Waste Management Facility to avoid asbestos contamination in material intended for resource recovery.

16.5 Re-excavation of landfill sites

The re-excavation of a council landfill site where significant quantities of asbestos waste are deposited is not encouraged and should only be considered with reference to any available records on the nature, distribution and quantities of asbestos waste required under the relevant legislation, and consultation with the Environment Protection Authority (as the appropriate regulatory authority under the *Protection of the Environment Operations Act 1997*).

17. Advice to tenants and prospective buyers of council owned property

Council may provide advisory notes to tenants and prospective buyers of council owned property that is likely to contain asbestos.

Council may request that tenants in council property:

- advise council of any hazards relating to asbestos
- minimise damage to asbestos containing material
- co-operate with council in facilitating any risk management work arranged by council
- act on advice from council to minimise risks from asbestos.

18. Implementing council's asbestos policy

18.1 Supporting documents

The implementation of this policy is supported by council's:

- conditions of consent;
- guidelines for disposing of asbestos waste.

Council also has several internal documents that support this policy.

- Complaints handling procedures;
- Council's existing risk assessment matrixes and risk controls checklist for asbestos;
- Employee health monitoring plans;
- Incident report form;
- Maintenance and inspection schedules for Council owned assets;
- Risk register (eg. RiskMAP);
- Safe work method statements/procedures for asbestos handling and removal for Council employees;
- Site maps for asbestos in landfill;
- Site specific safety management plans;
- Training registers/records (relevant to identifying, handling and removing of asbestos materials).

18.2 Communicating the policy

This is a publicly available policy. The policy is to be made available via:

- Council's administration buildings located at Crookwell, Gunning and Taralga;
- Council's website: <http://upperlachlan.local-e.nsw.gov.au>
- Council's electronic record management system – HPE Content Manager

All employees shall receive information about the policy at induction from Human Resources Co-Ordinator.

Any workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public) who are involved in any activity or activities listed in Appendix A under section 3 on behalf of, or for, council shall be provided with access to a copy of this policy and relevant supporting documents. This includes any workers involved in commencing, arranging, undertaking, regulating, inspecting or supervising a potentially hazardous activity or activities. Managers are responsible for ensuring workers who report to them have access to the policy and appropriate information, documentation and training in asbestos awareness (as per the NSW *Work Health and Safety Regulation 2011*) prior to planning the activity or activities. Further information about training is noted in section 12.2.2 of this policy.

Council shall incorporate a statement regarding compliance with this policy in all relevant contracts and agreements with workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public).

In the case of any substantive revisions to the policy, the revisions will be approved by the General Manager and the General Manager will notify all persons who may have cause to undertake, arrange or supervise any activities listed in Appendix A under section 3 on behalf of, or for, council.

- **18.3 Non-compliance with the policy**

Failure by workers to adhere to the policy and failure by managers to adequately inform relevant workers of this policy shall be considered non-compliance with this policy.

The appropriate Supervisor, Manager, Director or the General Manager shall take action in the case of non-compliance with the Policy and this may include providing education and training, issuing a verbal or written warning, altering the workers duties or in a case of serious breaches, terminating the workers services. Each case shall be assessed on its merits with the aim of achieving a satisfactory outcome for all parties.

Workers should approach their supervisor or manager if they are experiencing difficulties in understanding or implementing the policy or if they are concerned that other workers are not complying with the policy.

19. Variations to this policy

Council reserves the right to review, vary or revoke this policy. The General Manager may allow variations to the policy for minor issues in individual cases.

Appendices

Appendix A – General information and guidance

1. What is asbestos?

Asbestos is the generic term for a number of naturally occurring, fibrous silicate materials. If asbestos is disturbed it can release dangerous fine particles of dust containing asbestos fibres. Breathing in dust containing elevated levels of asbestos fibres can cause asbestosis, lung cancer and mesothelioma.

There are two major groups of asbestos:

- the serpentine group contains chrysotile, commonly known as white asbestos
- the amphibole group contains amosite (brown asbestos) and crocidolite (blue asbestos) as well as some other less common types (such as tremolite, actinolite and anthophyllite).

Further information about the different types of asbestos can be found in: Environmental Health Standing Committee (enHealth), *Asbestos: A guide for householders and the general public*, Australian Health Protection Principal Committee, Canberra, 2013 (available at:

www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc~asbestos-about).

In Australia, in the past asbestos was mined and widely used in the manufacture of a variety of materials. Asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited in Australia since 31 December 2003.

Asbestos legacy materials still exist in many homes, buildings and other assets. It is estimated that 1 in 3 Australian homes contains building materials with asbestos. Where the material containing asbestos is in a non-friable form (or bonded), undisturbed, and painted or otherwise sealed, it may remain safely in place. However, where the asbestos containing material is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing asbestos unsafely can create a health hazard.

It is often difficult to identify the presence of asbestos by sight. If you are in doubt, it is best to assume that you are dealing with asbestos and take every precaution. The most accurate way to find out whether a material contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos such as an occupational hygienist. It can be unsafe for an unqualified person to take a sample of asbestos. Licensed asbestos removalists can be found by using the telephone directory. Council encourages residents to ask the contractor for a copy of their licence prior to engaging them. Residents can then check with SafeWork NSW (phone 13 10 50) to confirm the contractor has the appropriate class of licence for the asbestos removal job.

2. Where is asbestos found?

Asbestos can be found where it occurs naturally and in a variety of materials (from prior to 2004) in residential, commercial and industrial premises and on public and private land.

• 2.1 Naturally occurring asbestos

Naturally occurring asbestos refers to the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

Asbestos is found as a naturally occurring mineral in many areas of NSW. Asbestos may occur in veins within rock formations. [The map provided in Appendix L](#) gives an indication of areas in NSW known to have naturally occurring asbestos.

Work processes that have the potential to inadvertently release naturally occurring asbestos into the air include:

- agriculture
- forestry
- landscaping
- mining
- other excavation or construction activities
- pipe works and telecommunications works
- road construction and road works.

Further information can be found in this policy under section 5 and in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW, which provides a photograph of naturally occurring asbestos. The SafeWork NSW website provides further information on naturally occurring asbestos and supporting documents on what people can do to avoid contact with naturally occurring asbestos.

• 2.2 Residential premises

As a general rule, a house built:

- Before the mid 1980s – is highly likely to contain asbestos containing products.
- Between the mid 1980s and 1990 – is likely to contain asbestos containing products.
- After 1990 – is unlikely to contain asbestos containing products. However, some houses built in the 1990s and early 2000s may have still used asbestos cement materials until the total ban on any activity involving asbestos products became effective from December 2003.

Pipelines installed prior to 1992, particularly black surface coated and grey surface pipes, may contain asbestos.

It is important to note, the most accurate way to find out whether a material contains asbestos is by engaging a licensed asbestos removalist or occupational hygienist to inspect and arrange testing where necessary.

Fibre cement sheeting, commonly known as 'fibro', 'asbestos sheeting' or 'AC sheeting' (asbestos containing sheeting) is the most commonly found legacy asbestos material in residential premises. Other asbestos containing materials were used in 'fibro' houses but also found in brick and timber housing stock from that period. Asbestos materials were sold under a range of commercial names. Some asbestos containing materials found in New South Wales domestic settings are listed in Appendix J.

Common places where asbestos is likely to be found in and around homes include:

Outside

- backyard garden sheds, carports, garages and dog kennels
- electrical meter boards
- imitation brick cladding
- lining under eaves
- wall and roof materials (flat, patterned or corrugated asbestos sheeting).

Inside

- insulation materials in heaters and stoves
- interior walls and sheeting
- sheet materials in wet areas (bathroom, toilet and laundry walls, ceilings and floors)
- vinyl floor tiles, the backing to cushion vinyl flooring and underlay sheeting for ceramic tiles including kitchen splashback.

Asbestos can also be found in:

- angle mouldings (internal and external)
- board around windows and fireplaces
- brake pads and clutch pads to vehicles
- buried and dumped waste materials
- carpet underlay
- ceilings (ceiling tiles or sprayed coatings or loose in the ceiling cavity and may have moved to wall cavities, cornices and sub-floor areas)
- cement flooring
- external toilets
- fencing
- guttering, downpipes and vent pipes
- inside appliances eg irons, whitegoods
- gable ends
- outbuildings
- ridge capping
- swimming pools – reinforcing marble swimming pools
- ventilators – internal and external.

Other places asbestos can be found are listed in Appendix J.

• 2.3 Commercial and industrial premises

In commercial and industrial premises, asbestos may be found in the abovementioned places and also:

- asbestos rope or fabric in expansion joints (for example exhaust flues) and insulation
- bituminous waterproof membrane on flat roofs
- brake disc pads and brake linings
- cloth, tapes, ropes and gaskets for packing
- electrical switchboards and duct heater units
- fillers and filters
- fire doors
- lagging on pipes such as heater flues
- lift motor rooms
- pipes, casing for water and electrical/ telecommunication services
- rubber, plastics, thermosetting resins, adhesives, paints, coatings, caulking compounds and sealants for thermal, electrical and insulation applications
- structural beams of buildings
- yarns and textiles eg fire blankets.

Other places asbestos can be found are listed in Appendix J.

• 2.4 Sites contaminated with asbestos

Contamination of soils from asbestos or asbestos containing materials can present a risk in urban and rural environments if the asbestos can give rise to elevated levels of airborne fibres that people can breathe. Whilst buried material may not give rise to airborne asbestos fibres if securely contained, inappropriate disturbance of this waste could give rise to harmful levels of asbestos fibres in air. Activities such as those listed in section 3 of this Appendix have the potential to encounter and disturb asbestos waste or contamination, particularly where the contamination is not known to be present at the site or has not been appropriately considered.

2.4.1 Situations where asbestos contamination may occur

Situations where asbestos contamination may occur include:

- industrial land, eg, asbestos-cement manufacturing facilities, former power stations, and rail and ship yards, especially workshops and depots
- waste disposal or dumping sites, including sites of illegal dumping eg, building waste
- sites with infill or burial of asbestos waste from former asbestos mining or manufacture processes
- buildings or structures damaged by fire or storm (particularly likely for those with pre-1980s building materials but also possible for those with materials from prior to 2004)
- land with fill or foundation material of unknown composition
- sites where buildings or structures have been constructed from asbestos containing material or where asbestos may have been used as insulation material, eg, asbestos roofing, sheds, garages, reservoir roofs, water tanks, boilers and demolition waste has been buried onsite
- sites where buildings or structures have been improperly demolished or renovated, or where relevant documentation is lacking (particularly likely for those with pre-1980s building materials but also those with materials from prior to 2004)
- disused services with asbestos containing piping such as water pipes (including sewage systems, water services and irrigation systems), underground electrical and telephone wires and telecommunications trenches or pits (usually within 1 metre of the surface).

2.4.2 Significantly contaminated land

For sites that are significantly contaminated, the EPA and SafeWork NSW are the lead regulatory authorities. The *Contaminated Land Management Act 1997* applies to significantly contaminated land. In general, significant contamination is usually associated with former asbestos processing facilities or where large quantities of buried friable asbestos waste has been uncovered and is giving rise to measureable levels of asbestos fibres in air. Such sites require regulatory intervention to protect community health where the source of the contamination is not being addressed by the responsible person. The Environment Protection Authority has details of sites that have been nominated as significantly contaminated on its Public Register at: www.epa.nsw.gov.au/clm/publiclist.htm

If land is contaminated but not determined to be 'significant enough to warrant regulation' then the *Contaminated Land Management Act 1997* does not apply. In such cases the provisions within the planning legislation and/or the *Protection of the Environment Operations Act 1997* may be the appropriate mechanism for management of such contamination.

Guidance on assessing land can be found in the document: *Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997*.

3. Potentially hazardous activities

A number of activities could cause asbestos to be inadvertently disturbed and consequently create a health risk.

Before undertaking any of the activities listed below, it should be considered whether asbestos containing materials may be present. If asbestos is present, these activities may be illegal or certain precautions may be required, or an appropriately licensed person may be required to undertake the activity.

Members of the public could inadvertently disturb asbestos through activities including:

- renovations, refurbishments or repairs particularly those involving power tools, boring, breaking, cutting, drilling, grinding, sanding or smashing asbestos containing materials
- sealing, painting, brushing and cleaning asbestos cement products
- demolitions of homes or other structures (dismantling or destruction)
- relocating a house, building or structure
- using compressed air on asbestos containing materials
- water blasting asbestos containing materials
- cleaning gutters on asbestos cement roofs
- handling asbestos cement conduits or boxes
- maintenance work such as plumbing and electrical work on or adjacent to asbestos containing materials such as working on electrical mounting boards
- maintenance or servicing of materials from vehicles, plant or equipment
- checking, removing or replacing ceiling insulation which contains asbestos.

Council could inadvertently disturb asbestos through activities such as:

- abovementioned activities
- asset and building maintenance
- certifying
- inspections of sites and premises
- transport and disposal of illegally dumped materials
- collection, transport and disposal of incorrectly disposed of materials.

Naturally occurring asbestos and contaminated sites could be inadvertently disturbed during:

- road building
- site and construction work
- other excavation activities
- vehicle movements.

Natural processes can create a risk of exposure to asbestos including:

- extensive fire or storm damage to asbestos cement roofs or building materials
- extensive weathering and etching of unsealed asbestos cement roofs.

In addition, work that intentionally disturbs asbestos, such as sampling or removal, should be conducted by a competent person and in accordance with the relevant codes of practice and legislation.

4. Health hazards

Asbestos fibres can pose a risk to health if airborne, as inhalation is the main way that asbestos enters the body. The World Health Organisation has stated that concentrations of asbestos in drinking water from asbestos cement pipes do not present a hazard to human health.

Breathing in asbestos fibres can cause asbestosis, lung cancer and mesothelioma. The risk of contracting these diseases increases with the number of fibres inhaled and the risk of lung cancer from inhaling asbestos fibres is greatly increased if you smoke. Small fibres are the most dangerous and they are invisible to the naked eye. People who are at most risk are those who have been exposed to high levels of asbestos for a long time. The symptoms of these diseases do not usually appear for some time (about 20 to 30 years) after the first exposure to asbestos.

Asbestosis is the irreversible scarring of lung tissue that can result from the inhalation of substantial amounts of asbestos over a period of years. It results in breathlessness that may lead to disability and, in some case, death.

Lung cancer can be caused by asbestos. Lung cancer is related to the amount of fibre that is breathed in and the risk of lung cancer is greatly increased in those who also smoke tobacco.

Mesothelioma is a cancer of the pleura (outer lung lining) or the peritoneum (the lining of the abdominal cavity). Mesothelioma rarely occurs less than 15 years from first exposure, and most cases occur over 30 years after first exposure. Accordingly, the rates of malignant mesothelioma (an incurable cancer) are expected to rise from the year 2012 to 2020 and are expected to peak in this time.

If asbestos fibres are in a stable material, for example bonded in asbestos-cement sheeting (such as fibro), and these materials are in good condition they pose little health risk. However, where fibro or other non-friable asbestos sheeting is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing asbestos containing materials unsafely can create a hazard.

The occupational standard for asbestos is 0.1fibre/ml of air and the environmental standard is 0.01fibre/ml in air.

When someone has potentially been exposed to asbestos, or receives or expects they may receive a diagnosis of an asbestos-related disease, they may experience psychological distress, including anxiety and may be in need of support. Their family and those around them may also be vulnerable to psychological distress.

Appendix B – Further information

Aboriginal communities

Illegal dumping prevention and clean-up. Handbook for Aboriginal communities, 2008 (EPA)

www.epa.nsw.gov.au/illegaldumping/resources.htm

Asbestos contractors

Choosing an asbestos consultant fact sheet (catalogue no. WC04547) (SafeWork NSW)

www.safework.nsw.gov.au/formspublications/publications/Pages/Choosinganasbestosconsultant.aspx

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages www.yellowpages.com.au or by contacting the Asbestos Removal Contractors Association NSW (ARCA) www.arcansw.asn.au or by emailing: email@arcansw.asn.au. An asbestos removal contractor's licence can be verified by contacting the SafeWork NSW's Certification Unit on **13 10 50**.

Asbestos waste

Advice about safely disposing of household asbestos waste can be found at:

www.epa.nsw.gov.au/managewaste/house-asbestos.htm

Asbestos waste disposal facility search function on the Asbestos Safety and Eradication Agency website:

www.asbestossafety.gov.au/search-disposal-facilities

Crackdown on Illegal Dumping: A Handbook for Local Government, 2007 (EPA)

www.epa.nsw.gov.au/illegaldumping/resources.htm

Illegally Dumped Asbestos Clean Up Program (IDACUP): Council may become involved in clean up activities of illegally dumped asbestos waste. Where the responsible party is unknown, unavailable, unwilling (despite a legal obligation to do so) or unable to pay for clean up within the timeframe required to avoid or at least minimise harm to the environment or public health, Council may apply for funding under the IDACUP. Information about the IDACUP is available at www.environment.nsw.gov.au/grants/IDACUP.htm

Regional Illegal Dumping (RID) Squads: are regionally based teams that specialise in dealing with illegal dumping. The squads are funded by the EPA and the member local councils who opt to work together and pool resources to tackle illegal dumping.

RIDonline is a statewide illegal dumping database and reporting tool to assist councils and the EPA develop a comprehensive picture of the extent of illegal dumping in NSW. Members of the community can assist by reporting illegal dumping online through the RIDonline App, available for the public to download in February 2016.

For more information on illegal dumping and safely disposing of asbestos waste visit the EPA website:

www.epa.nsw.gov.au

Management of asbestos in recycled construction and demolition waste, 2010 (SafeWork NSW)

www.safework.nsw.gov.au/_data/assets/pdf_file/0017/18323/asbestos_recycled_construction_demolition_waste_2772.pdf

Contaminated land

Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997, 2015 (EPA).

www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf

Managing land contamination: Planning guidelines SEPP 55 – Remediation of land, 1998 (Department of Planning and Environment and EPA)

www.epa.nsw.gov.au/resources/clm/gu_contam.pdf

Emergency management

Guidance Material: Asbestos and Fire-damaged Buildings, 2015 (EPA)

www.epa.nsw.gov.au/resources/waste/asbestos/150044-asbestos-fire-damaged-buildings.pdf

NSW Asbestos Emergency Plan: The NSW Asbestos Emergency sub plan details the specific arrangements for the coordinated funding and management of asbestos debris during and following a larger scale emergency, being an event that requires a significant and coordinated response, where the presence of asbestos containing material in the community poses a significant risk to public health and safety.

www.emergency.nsw.gov.au/publications/plans/sub-plans/asbestos.html

Environmental risk assessment

Environmental health risk assessment: Guidelines for assessing human health risks from environmental hazards, 2002 (Commonwealth of Australia)

Available via email by contacting the enHealth Secretariat: enHealth.Secretariat@health.gov.au

Health

Asbestos and health risks fact sheet, 2007 (NSW Health)

www.health.nsw.gov.au/environment/factsheets/Pages/asbestos-and-health-risks.aspx

Further advice concerning the health risks of asbestos can be obtained from your local public health unit.

Renovation and development

Asbestos: A guide for householders and the general public, Environmental Health Standing Committee (enHealth), Australian Health Protection Principal Committee, Canberra, 2013 (available at:

www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc~asbestos-about).

Asbestos Awareness website (Asbestos Education Committee)

www.asbestosawareness.com.au

Choosing and working with a principal certifying authority: A guide for anyone planning to build or subdivide, 2011 (Building Professionals Board)

www.bpb.nsw.gov.au/sites/default/files/public/Finalbuildingapproch.pdf

Practical guidance

Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by SafeWork NSW

www.safework.nsw.gov.au/_data/assets/pdf_file/0015/15216/how-to-manage-control-asbestos-workplace-code-of-practice-3560.pdf

Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by SafeWork NSW

www.safework.nsw.gov.au/_data/assets/pdf_file/0016/15217/how-to-safely-remove-asbestos-code-of-practice-3561.pdf

Tenants

Tenants rights Fact sheet 26 Asbestos and lead, 2010 (Tenants NSW)

www.tenants.org.au/publish/factsheet-26-asbestos-lead/index.php

Tenants – Housing NSW tenants

Asbestos fact sheet, 2010 (Housing NSW)

www.housing.nsw.gov.au/NR/rdonlyres/F4E1131F-2764-4CB1-BC07-98EB6C594085/0/Asbestos.pdf

Appendix C – Definitions

The terms used in the policy are defined as below, consistent with the definitions in the:

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW
- *Contaminated Land Management Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Emergency Pollution and Orphan Waste Clean-Up Program Guidelines 2008*
- *Protection of the Environment Operations Act 1997*
- *Waste classification guidelines part 1 classifying waste 2008*
- *NSW Work Health and Safety Act 2011*
- *NSW Work Health and Safety Regulation 2011*.

accredited certifier in relation to matters of a particular kind, means the holder of a certificate of accreditation as an accredited certifier under the *Building Professionals Act 2005* in relation to those matters.

airborne asbestos means any fibres of asbestos small enough to be made airborne. For the purposes of monitoring airborne asbestos fibres, only respirable fibres are counted.

asbestos means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including the following:

- a. actinolite asbestos
- b. grunerite (or amosite) asbestos (brown)
- c. anthophyllite asbestos
- d. chrysotile asbestos (white)
- e. crocidolite asbestos (blue)
- f. tremolite asbestos
- g. a mixture that contains 1 or more of the minerals referred to in paragraphs (a) to (f).

asbestos containing material (ACM) means any material or thing that, as part of its design, contains asbestos.

asbestos-contaminated dust or debris (ACD) means dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos.

asbestos-related work means work involving asbestos that is permitted under the *Work Health and Safety Regulation 2011*, other than asbestos removal work.

asbestos removal licence means a Class A asbestos removal licence or a Class B asbestos removal licence.

asbestos removal work means:

- a. work involving the removal of asbestos or asbestos containing material, or
- b. Class A asbestos removal work or Class B asbestos removal work.

asbestos removalist means a person conducting a business or undertaking who carries out asbestos removal work.

asbestos waste means any waste that contains asbestos. This includes asbestos or asbestos containing material removed and disposable items used during asbestos removal work including plastic sheeting and disposable tools.

certifying authority means a person who is authorised by or under section 85A of the *Environmental Planning and Assessment Act 1979* to issue complying development certificates, or is authorised by or under section 109D of the *Environmental Planning and Assessment Act 1979* to issue part 4A certificates.

Class A asbestos removal licence means a licence that authorises the carrying out of Class A asbestos removal work and Class B asbestos removal work by or on behalf of the licence holder.

Class A asbestos removal work means the removal of friable asbestos which must be licensed under clause 485 of the *Work Health and Safety Regulation 2011*. This does not include: the removal of ACD that is associated with the removal of non-friable asbestos, or ACD that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

Class B asbestos removal licence means a licence that authorises the carrying out of Class B asbestos removal work by or on behalf of the licence holder.

Class B asbestos removal work means the removal of more than 10 square metres of non-friable asbestos or asbestos containing material work that is required to be licensed under clause 487, but does not include Class A asbestos removal work.

competent person means: a person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds:

- a. a certification in relation to the specified VET course for asbestos assessor work, or
- b. a tertiary qualification in occupational health and safety, occupational hygiene, science, building, construction or environmental health.

complying development is a fast track, 10 day approval process where a building meets all of the predetermined standards established in either a state or local council planning document. A complying development certificate can be issued by either a local council or an accredited certifier.

complying development certificate

contaminant means any substance that may be harmful to health or safety.

contamination of land means the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment

control measure, in relation to a risk to health and safety, means a measure to eliminate or minimise the risk.

demolition work means work to demolish or dismantle a structure, or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure, but does not include:

- a. the dismantling of formwork, falsework, or other structures designed or used to provide support, access or containment during construction work, or
- b. the removal of power, light or telecommunication poles.

development means:

- a. the use of land
- b. the subdivision of land
- c. the erection of a building
- d. the carrying out of a work
- e. the demolition of a building or work
- f. any other act, matter or thing referred to in section 26 of the *Environmental Planning and Assessment Act 1979* that is controlled by an environmental planning instrument.

development application means an application for consent under part 4 of the *Environmental Planning and Assessment Act 1979* to carry out development but does not include an application for a complying development certificate.

emergency service organisation includes any of the following:

- a. the Ambulance Service of NSW
- b. Fire and Rescue NSW
- c. the NSW Rural Fire Service
- d. the NSW Police Force
- e. the State Emergency Service
- f. the NSW Volunteer Rescue Association Inc
- g. the NSW Mines Rescue Brigade established under the *Coal Industry Act 2001*
- h. an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

exempt development means minor development that does not require any planning or construction approval because it is exempt from planning approval.

exposure standard for asbestos is a respirable fibre level of 0.1 fibres/ml of air measured in a person's breathing zone and expressed as a time weighted average fibre concentration calculated over an eight-hour working day and measured over a minimum period of four hours in accordance with the Membrane Filter Method or a method determined by the relevant regulator.

friable asbestos means material that:

- a. is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry
- b. contains asbestos.

health means physical and psychological health.

health monitoring, of a person, means monitoring the person to identify changes in the person's health status because of exposure to certain substances.

independent, in relation to clearance inspections and air monitoring means:

- a. not involved in the removal of the asbestos
- b. not involved in a business or undertaking involved in the removal of the asbestos, in relation to which the inspection or monitoring is conducted.

in situ asbestos means asbestos or asbestos containing material fixed or installed in a structure, equipment or plant, but does not include naturally occurring asbestos.

licence holder means: in the case of an asbestos assessor licence – the person who is licensed:

- a. to carry out air monitoring during Class A asbestos removal work
- b. to carry out clearance inspections of Class A asbestos removal work
- c. to issue clearance certificates in relation to Class A asbestos removal work, or
 - in the case of an asbestos removal licence – the person conducting the business or undertaking to whom the licence is granted, or
 - in the case of a major hazard facility licence – the operator of the major hazard facility to whom the licence is granted or transferred.

licensed asbestos assessor means a person who holds an asbestos assessor licence.

licensed asbestos removalist means a person conducting a business or undertaking who is licensed under the *Work Health and Safety Regulation 2011* to carry out Class A asbestos removal work or Class B asbestos removal work.

licensed asbestos removal work means asbestos removal work for which a Class A asbestos removal licence or Class B asbestos removal licence is required.

NATA means the National Association of Testing Authorities, Australia.

NATA-accredited laboratory means a testing laboratory accredited by NATA, or recognised by NATA either solely or with someone else.

naturally occurring asbestos means the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

non-friable asbestos means material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.

Note. Non-friable asbestos may become friable asbestos through deterioration (see definition of friable asbestos).

occupational hygienist means a person with relevant qualifications and experience in asbestos management who is a full member of the Australian Institute of Occupational Hygienists (AIOH).

occupier includes a tenant or other lawful occupant of premises, not being the owner.

officer means an officer as defined in the NSW *Work Health and Safety Act 2011*.

orphan waste means materials that have been placed or disposed of on a premises unlawfully that may have the potential to pose a risk to the environment or public health.

person conducting a business or undertaking a 'person' is defined in laws dealing with interpretation of legislation to include a body corporate (company), unincorporated body or association and a partnership.

personal protective equipment means anything used or worn by a person to minimise risk to the person's health and safety, including air supplied respiratory equipment.

respirable asbestos fibre means an asbestos fibre that:

- a. is less than three micrometres wide
- b. more than five micrometres long
- c. has a length to width ratio of more than 3:1.

specified VET course means:

- a. in relation to Class A asbestos removal work – the following VET courses:
 - remove non-friable asbestos
 - remove friable asbestos, or
- b. in relation to Class B asbestos removal work – the VET course Remove non-friable asbestos, or
- c. in relation to the supervision of asbestos removal work – the VET course Supervise asbestos removal, or
- d. in relation to asbestos assessor work – the VET course Conduct asbestos assessment associated with removal.

structure means anything that is constructed, whether fixed or moveable, temporary or permanent, and includes:

- a. buildings, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels)
- b. any component of a structure
- c. part of a structure
- d. volunteer means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses).

waste includes:

- any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
- any discarded, rejected, unwanted, surplus or abandoned substance, or
- any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or
- any process, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or
- any substance prescribed by the regulations made under the *Protection of the Environment Operations Act 1997* to be waste.

waste facility means any premises used for the storage, treatment, processing, sorting or disposal of waste (except as provided by the regulations).

worker a person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:

- a. an employee, or
- b. a contractor or subcontractor, or
- c. an employee of a contractor or subcontractor, or
- d. an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or
- e. an outworker, or
- f. an apprentice or trainee, or
- g. a student gaining work experience, or
- h. a volunteer, or
- i. a person of a prescribed class.

workplace a workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. Place includes: a vehicle, vessel, aircraft or other mobile structure, and any waters and any installation on land, on the bed of any waters or floating on any waters.

Appendix D – Acronyms

ACD	Asbestos Containing Dust (an acronym used in the legislation)
ACM	Asbestos Containing Material (an acronym used in the legislation)
ARA	Appropriate Regulatory Authority (an acronym used in the legislation)
DA	Development Application
EPA	Environment Protection Authority
JRPP	Joint Regional Planning Panel
LGA	Local Government Area
NATA	National Association of Testing Authorities
NSW	New South Wales
SEPP	State Environmental Planning Policy
VET	Vocational Education and Training

Appendix E – Relevant contacts

Upper Lachlan Shire Council
44 Spring Street, Crookwell
Ph: 02 4830 1000
Email: council @upperlachlan.nsw.gov.au

Southern NSW Local Health District
Public Health unit
Ph: 1300 066 055

Asbestos-related disease organisations (non-exhaustive)**Asbestos Diseases Foundation Australia Inc**

Phone: (02) 9637 8759
Helpline: 1800 006 196
Email: info@adfa.org.au
Website: www.adfa.org.au

Asbestos Diseases Research Institute

Phone: (02) 9767 9800
Email: info@adri.org.au
Website: www.adri.org.au

Australian Institute of Occupational Hygienists Inc.

Phone: (03) 9338 1635
Email: admin@aioh.org.au
Website: www.aioh.org.au

Dust Diseases Authority

Phone: (02) 8223 6600
Toll Free: 1800 550 027
Email: DDAenquiries@icare.nsw.gov.au
Website: www.icare.nsw.gov.au

Environment Protection Authority (EPA)

Phone: (02) 9995 5000
Environment line: 13 15 55
Email: info@epa.nsw.gov.au
Website: www.epa.nsw.gov.au/epa

Licensed Asbestos Contractors

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages website: www.yellowpages.com.au or contact:

Asbestos Removal Contractors Association NSW

PO Box Q1882
Queen Victoria Building
NSW 1230
Email: email@arcansw.asn.au
Website: www.arcansw.asn.au

Verification of an asbestos removal contractor's licence can be checked by contacting SafeWork NSW's Certification Unit Phone: **13 10 50**

Civil Contractors Federation (CCF)

Phone: (02) 9009 4000
Email: ccfnsw@ccfnsw.com
Website: www.ccfnsw.com/

Local Government NSW

Phone: (02) 9242 4000
Email: lgnsw@lgnsw.org.au
Website: www.lgnsw.org.au

NSW Ombudsman

Phone: (02) 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Email: nswombo@ombo.nsw.gov.au
Website: www.ombo.nsw.gov.au

Training providers (non-exhaustive)

TAFE NSW

Phone: 131 601
Website: www.tafensw.edu.au

Housing Industry Association (HIA)

Phone: (02) 9978 3333
Website: www.hia.com.au/

Local Government Training Institute

Phone: (02) 4922 2333
Website: www.lgti.com.au

Comet Training

Phone: (02) 9649 5000
Website: www.comet-training.com.au/site

Master Builders Association (MBA)

Phone: (02) 8586 3521
Website: www.masterbuilders.com.au

SafeWork NSW

SafeWork NSW Information Centre Phone: 13 10 50
SafeWork NSW – Asbestos/Demolition Hotline Phone: (02) 8260 5885
Website: www.safework.nsw.gov.au

Appendix F – Waste management facilities that accept asbestos wastes

Waste management facilities that can accept asbestos waste may be operated by council, the State Government or private enterprise. The fees charged by the facility operators for waste received are determined by the facility.

Not all waste management centres accept asbestos waste from the public. Management of asbestos waste requires special precautions such as a separate disposal location away from other general waste and controls to prevent the liberation of asbestos fibres, such as the immediate covering of such waste.

Waste Management facility in the LGA that accept asbestos wastes:

Crookwell Waste Management Facility

- Hours of operation: 10am – 4.00pm Friday – Monday.
- Contact details: 02 4830 1000.
- Fees for disposing of asbestos waste: in accordance with Council's current Operational Plan.
- Any restrictions or additional conditions on receiving asbestos waste: Booking required. Triple wrapped and secured. When transporting asbestos it must be covered and in a leak-proof vehicle.
- Further information regarding disposal of asbestos waste can be found on Council's website: <http://upperlachlan.local-e.nsw.gov.au>.

Waste management facilities in other areas that accept asbestos wastes

A list of licensed landfills that may accept asbestos waste from the public is available on the EPA website at: www.epa.nsw.gov.au/managewaste/house-asbestos-land.htm

Some of the landfills may accept non-friable asbestos waste but not friable asbestos waste. Some landfills may not accept large quantities of asbestos waste.

Always contact the landfill before taking asbestos waste to a landfill to find out whether asbestos is accepted and any requirements for delivering asbestos to the landfill. EPA does not endorse any of the landfills listed on the website or guarantee that they will accept asbestos under all circumstances.

Appendix G – Asbestos-related legislation, policies and standards

- *Contaminated Land Management Act 1997*
- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW
- *Demolition work code of practice 2015*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Protection of the Environment Operations (General) Regulation 2009*
- *Protection of the Environment Operations (Waste) Regulation 2014*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *NSW Work Health and Safety Act 2011*
- *NSW Work Health and Safety Regulation 2011*
- *Workers' Compensation (Dust Diseases) Act 1942.*

Appendix H – Agencies roles and responsibilities

NSW organisations

Department of Planning and Environment (DPE)

DPE's primary role in the management of asbestos relates to administration of State Environmental Planning Policies, and the *Environmental Planning and Assessment Act 1979* (and associated Regulation).

Whilst DPE does not have an operational role in the management of asbestos, it has a regulatory function and provides policy support relating to asbestos and development. In assessing proposals for development under the *Environmental Planning and Assessment Act 1979*, consent authorities are required to consider the suitability of the subject land for the proposed development. This includes consideration of the presence of asbestos and its environmental impact.

Where asbestos represents contamination of the land (ie it is present in excess of naturally occurring levels), *State Environmental Planning Policy No. 55 – Remediation of Land* imposes obligations on developers and consent authorities in relation to remediation of the land and the assessment and monitoring of its effectiveness.

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* enables exempt and complying development across the state. While this includes demolition and the removal of asbestos, the *Environmental Planning and Assessment Regulation 2000* specifies particular conditions that must be contained in a complying development certificate in relation to the handling and lawful disposal of both friable and non-friable asbestos material under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Dust Diseases Authority (DDA)

The Dust Diseases Authority provides a system of no fault compensation to people who have developed a dust disease from occupational exposure to dust as a worker in New South Wales and to their dependants. The DDA's statutory function is to administer the *Workers' Compensation (Dust Diseases) Act 1942*. Services include:

- payment of compensation benefits to eligible workers and dependants
- co-ordination and payment of medical and related health care expenses of affected
- medical examination of workers exposed to dust in the workplace
- information and education.

Environment Protection Authority (EPA)

EPA's role is to regulate the classification, storage, transport and disposal of waste in NSW, including asbestos waste. The waste regulatory framework includes the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2014*. Clauses 77 through to 81 of the *Protection of the Environment Operations (Waste) Regulation 2014* set out the special requirements relating to the transportation and disposal of asbestos waste.

EPA is the appropriate regulatory authority for activities that require an environment protection licence or are carried out by public authorities such as local councils, the Roads and Maritime Services and Sydney Water. Local councils are the appropriate regulatory authority for activities that are not regulated by the EPA, which typically include building demolition, construction sites, residential properties, commercial sites and small to medium sized industrial facilities.

EPA is responsible for assisting councils in fulfilling their regulatory responsibilities. EPA has developed resources to assist Local Government to regulate asbestos waste incidents and prevent illegal dumping. Website links to these resources are provided in Appendix B.

The EPA maintains the regulatory framework for the remediation of contaminated land (the *Contaminated Land Management Act 1997*) and actively regulates land that is declared to be 'significantly contaminated' under the *Contaminated Land Management Act 1997*.

Heads of Asbestos Coordination Authorities (HACA)

The HACA is chaired by SafeWork NSW with senior officials from:

- Department of Industry
- Department of Planning and Environment
- Dust Diseases Authority
- Environment Protection Authority
- Local Government NSW
- Ministry of Health
- Office of Emergency Management
- Office of Local Government.

The HACA group will improve the management, monitoring and response to asbestos issues in NSW by developing coordinated prevention programs. These programs include a comprehensive public awareness campaign to promote the safe handling of asbestos and help prevent the risk of exposure to asbestos-related diseases in the NSW community. Further information about the HACA can be found on the SafeWork NSW website: www.safework.nsw.gov.au.

Local Government NSW (LGNSW)

Local Government NSW (LGNSW) is the peak body for councils in NSW. LGNSW represents all NSW general-purpose councils, the special-purpose county councils and the NSW Aboriginal Land Council.

LGNSW is a credible, professional organisation facilitating the development of an effective community-based system of Local Government in NSW. LGNSW represents the views of councils to NSW and Australian Governments; provides industrial relations and specialist services to councils; and promotes NSW councils to the community.

In 2012, LGNSW commenced a project funded by SafeWork NSW to assist councils to adopt and implement a model asbestos policy. The project is outlined at: www.lgnsw.org.au

NSW Department of Industry

The NSW Department of Industry, Skills and Regional Development (known as the NSW Department of Industry) leads the state government's contribution to making NSW:

- a fertile place to invest and to produce goods and services, and thereby
- create jobs and opportunities for our citizens

The NSW Department of Industry also has responsibilities for:

- skill formation and development to match industry demand
- partnering with stakeholders in stewardship and sustainable use of the state's natural resources; and
- supporting economic growth in the regions.

Within the Division of Resources & Energy in the Department, the Geological Survey of NSW teams of field geologists, geophysicists, mineral geoscientists and palaeontologists and geospatial specialists produce a range of maps. Geological mapping records the distribution of rock types and location of structures at or near the Earth's surface. The maps have applications to land use assessment, engineering construction, environmental management and natural hazard risk assessment.

The Geological Survey of NSW prepared the state-wide mapping of naturally occurring asbestos (NOA) in NSW for the Heads of Asbestos Coordination Authorities.

NSW Ministry of Health

The NSW Ministry of Health does not have express statutory responsibilities for managing asbestos-related risks and incidents in NSW. The Ministry provides an expert advisory service to other governmental agencies on public health issues. This service may include technical information or assistance to prepare public health information bulletins.

NSW Ombudsman

The NSW Ombudsman is an independent and impartial watchdog body. The NSW Ombudsman is responsible for ensuring that public and private sector agencies and employees within its jurisdiction fulfil their functions appropriately. The NSW Ombudsman assists those agencies and their employees to be aware of their responsibilities to the public, to act reasonably and to comply with the law and best administrative practice.

Office of Fair Trading and the Building Professionals Board (BPB)

NSW Fair Trading safeguards the rights of all consumers and advises business and traders on fair and ethical practice. NSW Fair Trading provides services directly to individuals and businesses to create a fair, safe and equitable marketplace.

NSW Fair Trading is establishing a Loose-Fill Asbestos Implementation Taskforce responsible for overseeing and implementing the NSW Government Voluntary Purchase and Demolition Program for properties containing loose-fill asbestos insulation. The Loose-Fill Asbestos Implementation Taskforce will be in place until work is completed on the purchase and demolition of all properties that choose to participate in the Program.

The Building Professionals Board (BPB) is now part of Fair Trading and oversees building and subdivision certification. The BPB's role involves providing practice advice and educational programs to assist certifying authorities (private and council) in carrying out their role. The BPB certifies and audits both private and council certifiers. Further information about the BPB may be found at: www.bpb.nsw.gov.au

Office of Local Government

The Office of Local Government is responsible for local government across NSW. The Office's organisational purpose is to 'Strengthen Local Government' and its organisational outcome is 'Fit for the future councils leading strong communities'.

The Office has a policy, legislative, investigative and program focus in matters ranging from Local Government finance, infrastructure, governance, performance, collaboration and community engagement. The Office strives to work collaboratively with the Local Government sector and is the key adviser to the NSW Government on Local Government matters.

SafeWork NSW

SafeWork NSW is responsible for the issuing and control of licences that are issued to all asbestos removal and demolition contractors. SafeWork NSW works with the employers, workers and community of NSW to achieve safer and more productive workplaces, and effective recovery, return to work and security for injured workers.

SafeWork NSW administers work health and safety, injury management, return to work and workers compensation laws, and manage the workers compensation system. SafeWork NSW's activities include: health and safety, injuries and claims, licensing for some types of plant operators, registration of some types of plant and factories, training and assessment, medical and healthcare, law and policy.

The SafeWork NSW website provides a wide range of asbestos resources, support networks and links at: www.SafeWorkNSW.nsw.gov.au/newlegislation2012/health-and-safety-topics/asbestos/Pages/default.aspx

National organisations

Asbestos Safety and Eradication Agency

The Asbestos Safety and Eradication Agency was established in 2013 to provide a national focus on asbestos issues which go beyond workplace safety to encompass environmental and public health issues. The agency's objective is to eliminate asbestos-related disease in Australia.

The agency has broad functions under its legislation, including:

- reporting on the implementation of the National Strategic Plan on Asbestos Awareness and Management (NSP); reviewing and amending the NSP as required and promoting the NSP
- providing advice to the Minister about asbestos safety
- liaising with all levels of government, agencies or bodies about the implementation of the NSP; as well as asbestos safety in general; and
- commissioning, monitoring and promoting research about asbestos safety.

The agency administers the National Asbestos Exposure Register which was created to record the details of members of the community who may have been exposed to asbestos. Registration forms are online at <https://www.asbestossafety.gov.au/national-asbestos-exposure-register>.

The agency also maintains a national database for asbestos disposal facilities, which members of the public can search to identify their nearest facility that accepts asbestos waste, available online at <https://www.asbestossafety.gov.au/search-disposal-facilities>

Councils interested in finding out more about the agency, updating information listed on the disposal database, or receiving information, flyers or brochures for distribution within the LGA should contact the agency at enquiries@asbestossafety.gov.au.

National Association of Testing Authorities (NATA)

This body has the role of providing accreditation to firms licensed to remove asbestos.

NSW (Head Office) and ACT

Phone: (02) 9736 8222

National Toll Free: 1800 621 666

Website: www.nata.asn.au

Environmental Health Committee (enHealth)

The Environmental Health Committee (enHealth) is a subcommittee of the Australian Health Protection Committee (AHPC). enHealth provides health policy advice, implementation of the National Environmental Health Strategy 2007-2012, consultation with key players, and the development and coordination of research, information and practical resources on environmental health matters at a national level.

Website: www.health.gov.au/internet/main/publishing.nsf/content/ohp-environ-enhealth-committee.htm

Safe Work Australia

Safe Work Australia is an Australian Government statutory agency established in 2009, with the primary responsibility of improving work health and safety and workers' compensation arrangements across Australia.

Phone: (02) 6121 5317

Email: info@swa.gov.au

Website: www.safeworkaustralia.gov.au

Appendix I – Scenarios illustrating which agencies lead a response in NSW

The tables show which agencies are responsible for regulating the following scenarios in NSW:

- emergency management
- naturally occurring asbestos
- residential settings
- site contamination
- waste
- workplaces.

Emergency management

Scenario	Lead organisation	Other regulators
Emergency response	Emergency services	Fire and Rescue (Hazmat) SafeWork NSW
Handover to Local council, owner of property or NSW Police – crime scene following a minor incident	Local council NSW Police	
Handover to State Emergency Recovery Controller	State Emergency Recovery Controller	Recovery Committee Local council EPA SafeWork NSW
Handover to Recovery Committee following a significant incident	Recovery Committee (formed by State Emergency Recovery Controller)	Local council EPA SafeWork NSW
Remediation not requiring a licensed removalist	Local council	Principal Certifying Authority SafeWork NSW (workers)
Remediation requiring licensed removal work	SafeWork NSW	Local council Principal Certifying Authority
Clearance Certificate issued by an Asbestos Assessor	SafeWork NSW	Principal Certifying Authority

Naturally occurring asbestos

Scenario	Lead organisation	Other regulators
Naturally occurring but will be disturbed due to a work process including remediation work	SafeWork NSW	Local council EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)
Naturally occurring asbestos part of a mineral extraction process	NSW Department of Industry	Local council EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)
Naturally occurring but will remain undisturbed by any work practice	Local council	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities) SafeWork NSW (workers)
Soil contaminated with asbestos waste and going to be disturbed by a work practice	SafeWork NSW	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities, declared contaminated land sites)
Soil contaminated with asbestos waste but will remain undisturbed by any work practice	Local council	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities, declared contaminated land sites) SafeWork NSW (workers on site)
Potential for exposure on public land	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)	Local council SafeWork NSW (workers on site)
Soil contaminated with asbestos waste but at a mine site	NSW Department of Industry EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)	Local council

Residential settings

Scenario	Lead organisation	Other regulators
Safe Management of asbestos including: <ul style="list-style-type: none"> • identification • in situ management • removal requirements • disposal requirements. 	Local council Private Certifiers	SafeWork NSW EPA
Site contaminated due to past uses	Local council	SafeWork NSW EPA
Licensed removal work required	SafeWork NSW	Local council Private Certifiers
Removal does not require a licensed removalist	Local council Private Certifiers	SafeWork NSW (workers)
Transport or waste disposal issues	Local council	EPA
Derelict property with fibro debris	Local council or Multi-agency	Multi-agency

Site contamination

Scenario	Lead organisation	Other regulators
Asbestos illegally dumped	Local council	EPA SafeWork NSW
Site contamination at commercial premises	See Workplaces	
Site contamination at residential premises	See Residential settings	

Waste

Scenario	Lead organisation	Other regulators
Waste temporarily stored on-site	SafeWork NSW (worksites) EPA and Local council (non-worksites)	
Waste transported by vehicle	EPA	SafeWork NSW
Waste disposed of onsite	Council or EPA as illegal dumping or pollution of land if no valid council development consent	Local council (consent required to dispose onsite) (section 149 property certificate and development assessment process)
Waste going to landfill site	EPA (advice)	Local council (if managing licensed landfill)
Waste to be transported interstate	EPA	
Waste for export	Department of Immigration and Border Protection	SafeWork NSW Department of Employment

Workplaces

Scenario	Lead organisation	Other regulators
Asbestos installed/supplied after 2003 (illegally)	SafeWork NSW	
Risks to the health of workers	SafeWork NSW	
Asbestos management and asbestos going to be removed	SafeWork NSW NSW Department of Industry (mine sites)	
Risks to the health of the public from worksites	SafeWork NSW (Risks to workers) Local council (Risks to the wider public) Department of Planning and Infrastructure (part 3A approvals) EPA (<i>Protection of the Environment Operations Act 1997</i> licensed sites)	
Waste stored temporarily on-site at worksites	SafeWork NSW	
Transport or waste disposal issues	EPA	SafeWork NSW Local council
Asbestos contaminated clothing going to a laundry	SafeWork NSW	EPA Local council
Contaminated land not declared under the <i>Contaminated Land Management Act 1997</i>	Local council	EPA
'Significantly contaminated' land declared under the <i>Contaminated Land Management Act 1997</i>	EPA	Local council

Appendix J – Asbestos containing materials

Some asbestos containing materials found in New South Wales domestic settings (non-exhaustive list)

Asbestos containing materials	Approximate supply dates
Cement sheets	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Cement roofing / lining slates	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Mouldings and cover strips	Available by 1920s and 1930s
Super-six (corrugated) roofing	Available by 1920s and 1930s – 1985
'Tilex' decorative wall panels	Available by 1920s and 1930s
Pipes and conduit piping	Available by 1920s and 1930s
Motor vehicle brake linings	Available by 1920s and 1930s
Striated sheeting	Available from 1957
'Asbestolux' insulation boards	Available from 1957
'Shadowline' asbestos sheeting for external walls, gable ends and fences	Available from 1958 – 1985
Vinyl floor tiles impregnated with asbestos	Available up until 1960s
Asbestos containing paper backing for linoleum	Available up until 1960s
'Durasbestos' asbestos cement products	Available up until 1960s
'Tilex' marbled decorative wall panels	Available from early 1960s
'Tilex' weave pattern decorative wall panels	Available from early 1960s
'Hardiflex' sheeting	Available from 1960s – 1981
'Versilux' building board	Available from 1960s – 1982
'Hardiplank' and 'Hardigrain' woodgrain sheeting	Available from mid 1970s – 1981
Loose-fill, fluffy asbestos ceiling insulation	During the 1960s and 1970s, pure loose-fill asbestos was sold as ceiling insulation for residential and commercial premises. A Canberra based company known as 'Mr Fluffy' installed insulation in at least 1,000 homes in the ACT and is also understood to have installed insulation into homes in NSW.
Asbestos rope gaskets for wood heaters. Heater and stove insulation	Dates of supply availability unknown but prior to 31 December 2003
Compressed fibro-cement sheets	Available from 1960s – 1984
Villaboard	Available until 1981
Harditherm	Available until 1984
Highline	Available until 1985
Coverline	Available until 1985
Roofing accessories	Available until 1985
Pressure pipe	Available until 1987

Sources:

NSW Government, 2011, *Asbestos Blueprint: A guide to roles and responsibilities for operational staff of state and local government*.

NSW Taskforce Report: *Loose-Fill Asbestos Insulation in NSW Homes* (2015)

www.fairtrading.nsw.gov.au/biz_res/ftweb/pdfs/Tenants_and_home_owners/Loose_Fill_Abestos_Taskforce_Report.pdf (accessed October, 2015).

Asbestos containing materials that may be found in various settings (non-exhaustive list)**A**

Air conditioning duct, in the exterior or interior acoustic and thermal insulation

Arc shields in lift motor rooms or large electrical cabinets

Asbestos-based plastics products as electrical insulates and acid resistant compositions or aircraft seats

Asbestos ceiling tiles

Asbestos cement conduit

Asbestos cement electrical fuse boards

Asbestos cement external roofs and walls

Asbestos cement in the use of form work for pouring concrete

Asbestos cement internal flues and downpipes

Asbestos cement moulded products such as gutters, ridge capping, gas meter covers, cable troughs and covers

Asbestos cement pieces for packing spaces between floor joists and piers

Asbestos cement (underground) pit as used for traffic control wiring, telecommunications cabling etc

Asbestos cement render, plaster, mortar and coursework

Asbestos cement sheet

Asbestos cement sheet behind ceramic tiles

Asbestos cement sheet over exhaust canopies such as ovens and fume cupboards

Asbestos cement sheet internal walls and ceilings

Asbestos cement sheet underlay for vinyl

Asbestos cement storm drain pipes

Asbestos cement water pipes (usually underground)

Asbestos containing laminates, (such as Formica) used where heat resistance is required

Asbestos containing pegboard

Asbestos felts

Asbestos marine board, eg marinate

Asbestos mattresses used for covering hot equipment in power stations

Asbestos paper used variously for insulation, filtering and production of fire resistant laminates

Asbestos roof tiles

Asbestos textiles

Asbestos textile gussets in air conditioning ducting systems

Asbestos yarn

Autoclave/steriliser insulation

B

Bitumen-based water proofing such as malthoid (roofs and floors, also in brickwork)

Bituminous adhesives and sealants

Boiler gaskets

Boiler insulation, slabs and wet mix

Brake disc pads

Brake linings

C

Cable penetration insulation bags (typically Telecom)

Calorifier insulation

Car body filters (uncommon)

Caulking compounds, sealant and adhesives

Ceiling insulation (which may have moved into wall cavities, cornices and sub-floor areas)

Cement render

Chrysotile wicks in kerosene heaters

Clutch faces

Compressed asbestos cement panels for flooring, typically verandas, bathrooms and steps for demountable buildings

Compressed asbestos fibres (CAF) used in brakes and gaskets for plant and automobiles

D

Door seals on ovens

E

Electric heat banks – block insulation

Electric hot water services (normally no asbestos, but some millboard could be present)

Electric light fittings, high wattage, insulation around fitting (and bituminised)

Electrical switchboards see Pitch-based

Exhausts on vehicles

F

Filler in acetylene gas cylinders

Filters: beverage wine filtration

Fire blankets

Fire curtains

Fire door insulation

Fire-rated wall rendering containing asbestos with mortar

Fire-resistant plaster board, typically on ships

Fire-retardant material on steel work supporting reactors on columns in refineries in the chemical industry

Flexible hoses

Floor vinyl sheets

Floor vinyl tiles

Fuse blankets and ceramic fuses in switchboards

G

Galbestos™ roofing materials (decorative coating on metal roof for sound proofing)

Gaskets: chemicals, refineries

Gaskets: general

Gauze mats in laboratories/chemical refineries

Gloves: asbestos

H

Hairdryers: insulation around heating elements

Header (manifold) insulation

I

Insulation blocks

Insulation in ceilings, which may have spread to wall cavities, cornices and sub-floor areas

Insulation in electric reheat units for air conditioner systems

L

Laboratory bench tops

Laboratory fume cupboard panels

Laboratory ovens: wall insulation

Lagged exhaust pipes on emergency power generators

Lagging in penetrations in fireproof walls

Lift shafts: asbestos cement panels lining the shaft at the opening of each floor and asbestos packing around penetrations

Limpet asbestos spray insulation

Locomotives: steam, lagging on boilers, steam lines, steam dome and gaskets

M

Mastik

Millboard between heating unit and wall

Millboard lining of switchboxes

Mortar

P

Packing materials for gauges, valves, etc can be square packing, rope or loose fibre

Packing material on window anchorage points in high-rise buildings

Paint, typically industrial epoxy paints

Penetrations through concrete slabs in high rise buildings

Pipe insulation including moulded sections, water-mix type, rope braid and sheet

Plaster and plaster cornice adhesives

Pipe insulation: moulded sections, water-mix type, rope braid and sheet

Pitch-based (zelemite, ausbestos, lebah) electrical switchboard

R

Refractory linings

Refractory tiles

Rubber articles: extent of usage unknown

S

Sealant between floor slab and wall, usually in boiler rooms, risers or lift shafts

Sealant or mastik on windows

Sealants and mastik in air conditioning ducting joints

Spackle or plasterboard wall jointing compounds

Sprayed insulation: acoustic wall and ceiling

Sprayed insulation: beams and ceiling slabs

Sprayed insulation: fire retardant sprayed on nut internally, for bolts holding external building wall panels

Stoves: old domestic type, wall insulation

T

Tape and rope: lagging and jointing

Tapered ends of pipe lagging, where lagging is not necessarily asbestos

Tilux sheeting in place of ceramic tiles in bathrooms

Trailing cable under lift cabins

Trains: country – guards vans – millboard between heater and wall

Trains – Harris cars – sprayed asbestos between steel shell and laminex

V

Valve and pump insulation

W

Welding rods

Woven asbestos cable sheath

Sources:

Environmental health notes number 2 guidelines for local government on asbestos, 2005 (Victorian Department of Human Services). www.health.vic.gov.au/environment/downloads/hs523_notes2_web.pdf

NSW Taskforce Report: Loose-Fill Asbestos Insulation in NSW Homes (2015)

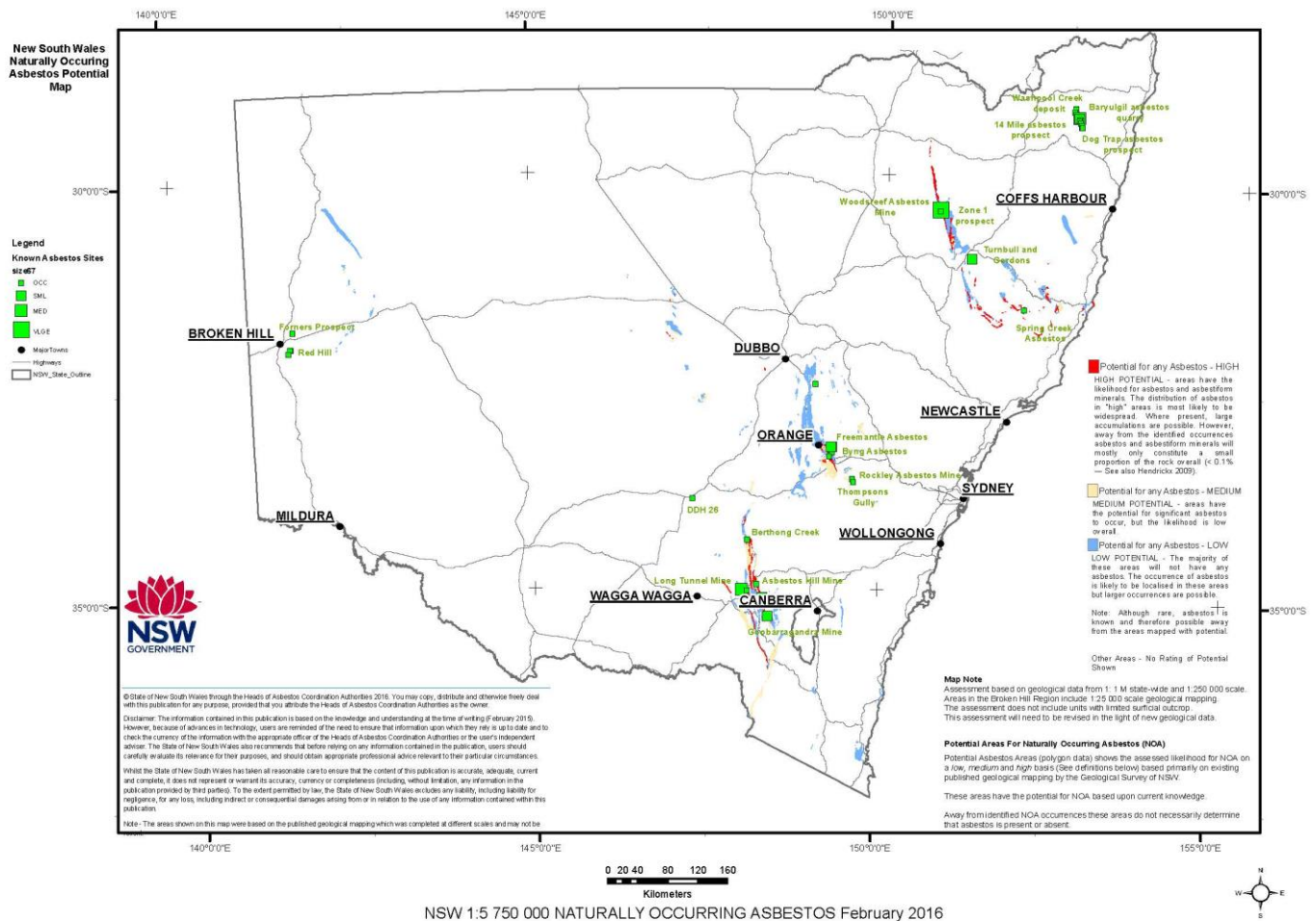
www.fairtrading.nsw.gov.au/biz_res/ftweb/pdfs/Tenants_and_home_owners/Loose_Fill_Abestos_Taskforce_Report.pdf (accessed October, 2015).

Appendix K – Asbestos licences

Type of licence	What asbestos can be removed?
Class A	<p>Can remove any amount or quantity of asbestos or asbestos containing material, including:</p> <ul style="list-style-type: none"> any amount of friable asbestos or asbestos containing material any amount of asbestos containing dust any amount of non-friable asbestos or asbestos containing material.
Class B	<p>Can remove:</p> <ul style="list-style-type: none"> any amount of non-friable asbestos or asbestos containing material Note: A Class B licence is required for removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove up to 10 m² of non-friable asbestos or asbestos containing material. asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material. Note: A Class B licence is required for removal of asbestos containing dust associated with the removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove asbestos containing dust associated with removal of up to 10m² of non-friable asbestos or asbestos containing material.
No licence required	<p>Can remove:</p> <ul style="list-style-type: none"> up to 10 m² of non-friable asbestos or asbestos containing material asbestos containing dust that is: <ul style="list-style-type: none"> associated with the removal of less than 10 m² of non-friable asbestos or asbestos containing material not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

An asbestos removal contractor's licence can be verified by contacting SafeWork NSW's Certification Unit on 13 10 50.

Appendix L – Map



General Manager - 15 June 2017

ITEM 12.7 **Regional Economic Development Strategy (REDS) program**

FILE REFERENCE **I17/313**

AUTHOR **General Manager**

ISSUE

Providing details regarding the Regional Economic Development Strategy (REDS) program.

RECOMMENDATION That -

1. Council endorses the development of a Regional Economic Development Strategy for the Functional Economic Region which includes the Goulburn-Mulwaree, Yass Valley and Upper Lachlan LGA's.

BACKGROUND

As reported at the Council Meeting held on 18 May 2017, Nigel McKinnon, the Regional Director - Illawarra/South East, Department of Industry from the Office of Regional Development within the Department of Premier and Cabinet recently contacted Council to discuss the Regional Economic Development Strategy (REDS) program.

REPORT

The proposed Regional Economic Development Strategy will provide a clearly articulated economic development strategy for the region that can be utilised to inform and guide economic development activity.

The REDS program requires undertaking economic analysis based on Functional Economic Regions (FER). After receiving Upper Lachlan Shire Council's in principal support for the approach for an FER (which now takes in Goulburn-Mulwaree, Yass Valley and Upper Lachlan LGA's), the Department of Premier and Cabinet has approved the project to proceed.

Nigel McKinnon has provided Council with a Fact Sheet with respect to the REDS program, the approach and some guidance about likely timeframes. A copy of the Fact Sheet is attached for Councillors information.

As advised at the Council meeting held on 18 May 2017 both Nigel McKinnon (Regional Director) and Rhonda Lawrie (Business Development Manager) have been invited to address Council regarding the REDS Program and the FER analysis. A presentation has been confirmed for 15 June 2017 at 4.00pm in the Council Chambers at Crookwell for Councillors and staff.

POLICY IMPACT

Nil

OPTIONS

Nil


FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council endorses the development of a Regional Economic Development Strategy for the Functional Economic Region which includes the Goulburn-Mulwaree, Yass Valley and Upper Lachlan LGA's.

ATTACHMENTS

1. 	Regional Economic Development Strategy (REDS) - Fact Sheet May 2017	Attachment
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Centre for Economic and
Regional Development

Fact Sheet

May 2017

Regional Economic Development Strategies

Background

Economic development strategies have historically been produced by council bodies for individual Local Government Areas (LGAs) using a variety of methodologies. This approach has not typically allowed comparison between LGAs, and does not often consider the broader region. In addition, given the cost and resources required to develop economic development strategies, smaller local governments have limited capacity to develop comprehensive plans.

Recognising these limitations, the NSW Department of Premier and Cabinet (DPC) is offering to assist councils to develop economic development strategies based on the concept of a Functional Economic Region (FER). The resulting Regional Economic Development Strategy (REDS) usually incorporates more than one LGA.

The following frequently asked questions provide additional information. For further information please contact Stewart Webster, Director, Centre for Economic and Regional Development on (02) 6391 3618.

FAQS

How will the REDS benefit communities?

The REDS will provide a clearly articulated economic development strategy for the region which can be used to inform and guide economic development activity. In addition, the REDS may be used to support economic development grant applications to the NSW and Commonwealth Governments.

Are councils required to participate in developing a REDS under this process?

No. Participating in the development of a REDS under this process is completely voluntary.

How much will the REDS cost participating councils?

The DPC recognises the importance of regional planning as well as the limited resources available to some local government areas. Therefore, the external cost of developing the Regional Economic Development Strategy will be met by the NSW Government.

What is a Function Economic Region (FER) and how does it relate to the REDS?

It is recognised that local government boundaries are an artefact of history rather than reflecting the boundaries of regional economies and economic interaction. A FER, which may include multiple LGAs, is intended to represent the economic boundaries of the region. The size and nature of the FER will differ across regions and will be informed by data from the Australian Bureau of Statistics. However, the composition of the FERs will be ultimately determined by the relevant communities.

There is a preference to develop REDS for FERs. This approach is more likely to reflect the economic reality of the region and identify regional opportunities and capabilities.

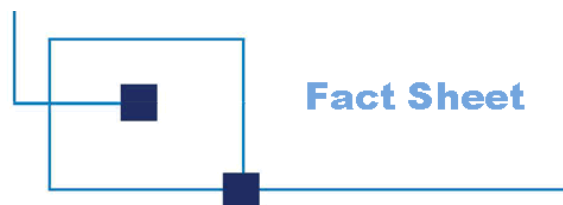
Can a REDS be developed for a single LGA?

Although there is a preference to use FERs as a basis for REDs as this may better reflect the economic boundaries of a region, it is recognised this may not be practical in all cases. In some cases a FER will comprise of a single local government area.





Centre for Economic and Regional Development



Who will develop the REDS?

The DPC has engaged a panel of expert contractors to work in collaboration with councils and local government stakeholders. These contractors have experience developing REDS in Australia and internationally.

Will the NSW Government have influence or control over the regional economic development strategy?

No, the REDS is a local government document and ownership and control for its development will rest with participating councils. The NSW Government will provide advice and support where it is requested.

How will the REDS be developed?

It is recognised that regions are different across NSW and as such the contractors will take a region specific approach as required. However, the overall methodology will be consistent to ensure consistency across regions and ensure that the individual REDS represent best practice.

What if a council has recently developed their own REDS?

If requested, existing REDS can be reviewed by an expert contractor. There is no obligation to amend or update any content of the REDS after this review. Local government may also request for the existing REDS to be updated.

Who can be involved in developing the REDS?

The REDS should reflect community preferences and its vision for the region. A comprehensive consultation process would be typically undertaken during the development of the REDS. Consultation would typically include, but may not be limited to, local businesses and peak bodies, community organisations, government bodies and representatives as well as other interested stakeholders.

When will the REDS be completed?

The completion of the REDS will be determined by the timeline of Councils. However, there is a preference to complete the REDS as soon as practical so it can be used to inform economic development action.

If my Council would like to participate in the project what are the next steps?

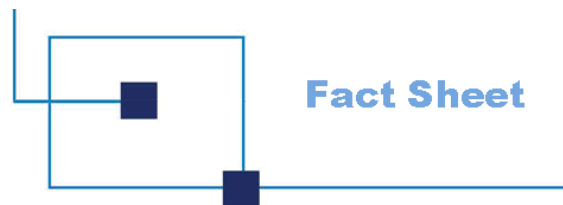
If your Council would like to participate in the project, then contact Stewart Webster, Director Centre for Economic and Regional Development, on 6391 3618 or the Regional Director in your area (below).

Regional Director	Region	Contact Details
Natalie Forsyth-Stock	Western	natalie.forsyth-stock@dpc.nsw.gov.au 0409 994 980
Margaret O'Dwyer	Riverina Murray	margaret.odwyer@dpc.nsw.gov.au 0408 963 148





Centre for Economic and Regional Development



Fact Sheet

Louise McMeeking	North Coast & Northern Inland	louise.mcmeeking@dpc.nsw.gov.au 0408 835 647
Nigel McKinnon	Illawarra & South East	nigel.mckinnon@dpc.nsw.gov.au 0418 259 055
Tony Sansom	Hunter & Central Coast	tony.sansom@dpc.nsw.gov.au 0418 432 734

General Manager - 15 June 2017

ITEM 12.8 Action Summary - Council Decisions

FILE REFERENCE I17/268

AUTHOR General Manager

ISSUE

Details are provided of action taken with respect to Council decisions.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

Details are provided of action taken with respect to Council decisions.

REPORT

Summary sheet from the:-

Council Meeting: 21 November 2013

380/13	Council in cooperation and collaboration with the Rural Fire Service, SES, Police and other stakeholder emergency services develop and publish emergency plans on the Council website with links to relevant agencies.	DOW	Awaiting review of Upper Lachlan Shire Council Consequences Management Guide.
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Council Meeting: 20 October 2016

293/16	Council proceed with the establishment of lease holdings for the hanging of ultra-light aircraft.	DOW	Correspondence forwarded on 1 November 2016.
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Council Meeting: 16 March 2017

73/17	Clifton Park cricket nets be rehabilitated at an estimated cost of \$4,700.00 using sec 94 contributions, if required.	DOW	Quotations sought awaiting receipt of EOI's.
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Council Meeting: 18 May 2017

133/17	Council provide in principle support for the proposal that Upper Lachlan Shire Council, Oberon Council, Mid-Western Council and Lithgow City Council work together to enhance the promotion of Tablelands Way and that the matter be referred to the Tourism Committee for consideration.	GM	Correspondence forwarded to Tourism Committee on 24 May 2017.
136/17	Council endorse the proposed road names as nominated by the letter of 18 April 2017 from Fraish Consulting Civil & Structural Engineers, namely, Gundungurra Drive and Bunduluk Place.	DEP	Correspondence forwarded on 19 May 2017.
143/17	Council adopts the reviewed Pensioner Concession Policy.	EA	Placed in Policy Register and on the Website on 26 May 2017.
145/17	Council notes the determination of annual fees for Councillors and Mayors and resolves to set a fee structure for the period 2017/2018 being, Councillors Annual Fee of \$11,570.00 and a Mayoral Fee of \$25,250.00.	GM	Memorandum forwarded to Customer Services Officer on 24 May 2017.
146/17	Council places on public exhibition the draft Crookwell 2 and 3 Windfarm Voluntary Planning Agreement, allowing a period of 28 days to seek public comment / submissions.	GM	Advertisement placed in local newspapers and on Council's website commencing 1 June 2017.
150/17	The Council meetings be held at the Crookwell Memorial Hall and that the General Manager takes appropriate action including all required network connections to use the Crookwell Memorial Hall for all the remaining Ordinary Council meetings for this year.	GM	Council Meeting to be held on 15 June 2017 is scheduled to be held in the Crookwell Memorial Hall.

General Manager**ACTION SUMMARY - COUNCIL DECISIONS** cont'd

153/17	Council offers for sale, at the current market valuation, approximately 0.8 of a hectare of the available land that abuts the Crookwell Airstrip (being part Lot 421 DP 257517) to Icarus Air International Pty Ltd.	GM	Correspondence forwarded on 23 May 2017.
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POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

14 REPORTS FROM OTHER COMMITTEES, SECTION 355 COMMITTEES AND DELEGATES

The following item is submitted for consideration -

14.1	Reports for the month of June 2017	400
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Reports from Other Committees, Section 355 Committees and Delegates - 15 June 2017

ITEM 14.1

Reports for the month of June 2017

RECOMMENDATION:

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

1. Tony Foley Memorial Community Centre s355 Committee – Minutes from meeting held 7 March 2017.
2. Economic Development Task Force – Minutes from meeting held 2 May 2017.
3. Cullerin Range Wind Farm s355 Committee – Minutes from meeting held 23 May 2017.
4. Gullen Range Wind Farm Community Fund s355 Committee – Minutes from meeting held 24 May 2017.
5. CENTROC – Minutes from Mayoral Board Meeting held 25 May 2017.
6. Taralga Historical Society – Newsletter 02/2017.

ATTACHMENTS

1. ↓	Tony Foley Memorial Community Centre S355 Committee - Minutes from meeting held 7 March 2017	Attachment
2. ↓	Economic Development Task Force - Minutes from meeting held 2 May 2017	Attachment
3. ↓	Minutes 23 May 2017 - Cullerin Range Wind Farm S355 Committee	Attachment
4. ↓	Gullen Range Wind Farm Community Fund S355 Committee - Minutes from meeting held 24 May 2017	Attachment
5. ↓	CENTROC - Minutes from Mayoral Board Meeting held 25 May 2017	Attachment
6. ↓	Taralga Historical Society - Newsletter 02/2017	Attachment

WELCOME AND CHAIR OF MEETING: Peter Foley opened meeting at 4.35pm

1. **PRESENT:** Alison Colebrook, Ann Darbyshire, Peter Foley, Roslyn McLoughlin and Clr John Searl.
2. **APOLOGIES:** Michael Coley, Tina Dodson (ULSC), Kelly Dowling, Norman Hindley.
3. **MINUTES:** Minutes of meeting 6 December 2016 *previously distributed*.
Moved: Ann Darbyshire; **Seconded:** John Searl. **CARRIED**

4. **BUSINESS ARISING FROM THE MINUTES:**

- **Community Meeting Room:**

The options for the organ: Peter Foley offered to contact Sue Walker for collection of trolley and discussion followed for others to assist with move, Peter agreed to organise.

Promotion: Roslyn McLoughlin to continue promoting Foley Centre with photo in Lions Noticeboard. Roslyn to date has not added to Upper Lachlan Shire Council venue listing, plus still needs to promote on Gunning Community Announcements on Facebook.

- **Maintenance issues:**

Fly screens: Norm Hindley provided a report for the meeting; fly screens repaired and new screen made for bathroom area; paper towel dispenser installed.

- **Major Maintenance and Repairs both Buildings:** Tina Dodson unable to attend, so no update on progress for building inspections and when repairs would commence.

- **Management Plan for Priorities for Buildings:** 'wish list' for building as listed at December meeting: roof repairs; painting exterior/interior; wiring inspection and circuit test of building; upgrade of toilets to current standards; issues with sliding door on toilet second building; skirting not replaced in same toilet after insurance claim; guttering and downpipes still an issue. Longer term ideas: kitchen area and stove.

The builders' inspections and quotes as discussed and minuted at the meeting in October will be required as part of the Veolia Mulwaree Funding application. Roslyn to obtain letters of support from users to assist application for proposed funding.

The Committee seeks assurances that if the maintenance works are not achieved in the current financial year that a commitment for funding from Upper Lachlan Shire Council is provided in 2017 – 2018 year. Proposed that a letter be sent to Council requesting that building inspections be expedited and then quotes obtained as necessary so they can be provided for Veolia grants or other funding opportunities.

Moved: Peter Foley; **Seconded:** Alison Colebrook.

CARRIED

- **Funding for Items e.g. chairs, new curtains, etc:** Cullerin Wind Farm owned by Energy Development Limited could be an option, for new chairs for Community room (possibly 25 chairs); alternatively 8 to 10 more, black matching current chairs; new curtains. Application will need to go through Upper Lachlan Shire Council as a S355 committee.
- **Ornaments in Bathroom:** Alison Colebrook will ask Vanessa Mackay to take photographs and then Ann Darbyshire and Roslyn McLoughlin to organise with Vanessa's assistance to place on Facebook for sale.

5. CORRESPONDENCE IN:

Michael Coley, Resignation from the Committee: Tabled. Letter of acknowledgement to Michael for his role in establishing this committee and thanking him for his contribution to the Foley Community Centre. **Moved:** John Searl; **Seconded:** Ann Darbyshire; **CARRIED**
Gunning & District Historical Society Inc. Letter of support for funding application: Tabled
CORRESPONDENCE OUT: None

Correspondence Moved: John Searl; **Seconded:** Alison Colebrook; **CARRIED**

6. FINANCIAL REPORT: Norm Hindley provided a report to 27 January 2017. Bank balance \$791.45. Expenditure to date \$318.55: balance \$791.45. Petty cash balance \$55.40. Norm Hindley requested his report be accepted and the accounts passed for payment.

Moved: Norm Hindley; **Seconded:** John Searl; **CARRIED**

7. GENERAL BUSINESS:

- **Annual General Meeting:** Question whether the AGM would be at July meeting; John Searl agreed to check Section S355 Committee policy and whether the books require auditing to meet Council requirements. Need to elect new chair; plus Roslyn McLoughlin said she will no longer be secretary, but happy to continue taking bookings and providing access to the Foley Community Centre. Need to confirm number required for committee with Michael Coley's resignation.
- **Change Table in Bathroom:** Alison Colebrook requested that a baby change table could be placed in the bathroom; meeting agreed. Table used for presentation needs to be returned to room. Ann Darbyshire offered to provide a folding table for presentations.

8. DATE OF NEXT MEETING:

The next meeting of the Tony Foley Memorial Gunning District Community Centre s355 Committee Tuesday, Tuesday, 4 July 4.30pm at the Centre.

Meeting Closed at 5.35pm.

**MINUTES OF THE UPPER LACHLAN SHIRE COUNCIL EDTF COMMITTEE HELD
TUESDAY 2ND MAY 2017 AT CROOKWELL**

Present: Clr Richard Opie, Clr Paul Culhane, Clr John Stafford, Peta Luck, David Johnson & Brenda Proudman.

Apologies: Tina Dodson & Andrew Lindner

Meeting commenced at 4.35pm.

Declaration of Interest: Nil.

Confirmation of Minutes:

Agenda Item 3.1

Minutes from the 21 March 2017 were adopted Moved - Dave Johnson & seconded Clr Richard Opie

CARRIED

Correspondence: Nil.

Agenda Item 4.1

Ideas to promote the Shire.

Brenda Proudman - Brenda intends to continue with the "Welcome" letter to new residents and set up information on Council's Website for new residents. This will also include updating the Rural Living Handbook and then we can perhaps set up an Economic Development Prospectus. Brenda is also to find out from the IT staff if we could possibly set up a survey that can be attached to the New Resident section to find out where the residents have moved from and why they chose Upper Lachlan Shire etc. Brenda is to send out the Key Sectors that she has listed so far for an Investment Prospectus to the EDTF Committee members for comment.

Clr Richard Opie – Would like us to nominate 2 businesses bi-monthly to promote with publicity etc. Richard also raised the idea of buying a bus to be used to promote the Shire similar to the "Right Now in Goulburn" promotion.

Clr. John Stafford – Said we should talk to Real Estate agents and Developers to combine with Council to promote the shire. Look at promoting the shire into Southern & Western Sydney by doing a feature into one of the Sydney newspapers.

Clr. Paul Culhane – Wants our committee to keep giving priority to the Rail Trail and he also agrees that a promotional campaign into Southern & Western Sydney would be a good idea.

Peta Luck – Thinks that we don't have a song sheet and that we all need to sing from that same song sheet. She thinks we need to identify the right people to do all the speaking via radio eg. 666 & 2GN. Peta also suggested Adult Education workshops and that we could perhaps foster a community college.

Next Meeting of the EDTF Committee is scheduled for **Tuesday 13th June at 5.30pm** in the Council Chambers at Crookwell.

There being no further business, meeting closed at 7.00pm.

PRESENT: Mrs Jo Boyce (Chair and Community Representative), Cllr Brian McCormack (Upper Lachlan Shire Council Representative), Mr Patrick Smith (Community Representative), Ms Katrina Nelson (EDL - Observer) or Mrs Rachael Foley (EDL Representative) and Mr John Bell (Upper Lachlan Shire Council) and Mrs Tina Dodson (Upper Lachlan Shire Observer).

1. Welcome

The Chair welcomed everyone to the meeting and opened the meeting.

2. Apologies

Nil

3. Declarations of Interest

Rachel Foley advised she is a member of the Catholic Parish and also a member of the Gunning Community Health Service Committee, but does not hold an Executive position.

Patrick Smith advised he is a member of the member of the Gunning District and Health Service, Gunning District Association and the Gunning Golf Club but does not hold an Executive position.

4. Minutes of the meeting held 29 November 2016

RECOMMENDED that the minutes of the meeting held 29 November 2016 be accepted.

Moved R Foley and P Smith.

5. Prioritisation of Project Submissions Received for 2017/2018

Funding pool of \$31,765

1. Breadalbane Cemetery Committee
2. Upper Lachlan Wood Guild
3. Dalton Public Hall Reserve Trust
4. Gunning Public School
5. Gunning District Association
6. Gunning District Community Health Service
7. Gunning Golf Club

No	Project	Amount
1	Breadalbane Cemetery Committee	\$4818
2	Upper Lachlan Wood Guild	\$7600
3	Dalton Public Hall Reserve Trust	\$1699.97
4	Gunning District Community Health Service	\$8602.10
5	Gunning Golf Club	\$5731
		\$28451.07

5.1 RECOMMENDED that the Projects and amounts listed above be granted funding in the 2017 round of grant funding.

Moved B McCormack and P Smith.

5.2 RECOMMENDED that the balance of the remaining funds be rolled over into the 2018 round of grant funding.

Moved R Foley and K Nelson

5. General Business

Next Meeting date to be confirmed in March 2018.

PRESENT: Cllr Brian McCormack (Upper Lachlan Shire Council), Mr Floyd Davies (Community Representative), Mr David Johnson (Community Representative), Mr John Bell (Upper Lachlan Shire Council) and Mr D Powell (New Gullen Range Wind Farm).

Also present:

Mrs Tina Dodson (Director of Environment and Planning), Cllr R Cummins (Observer), Ms Isabel Nelson (Observer NGRWF) and Mrs Helen Peterson (Minute Secretary).

1. Welcome

The Mayor opened the meeting the time being 1.40pm and welcomed those present.

2. Apologies

An apology was received for the absence of Mrs Louise Wakefield (Goulburn Mulwaree Council).

RECOMMENDED that the apology be received and leave of absence granted.
Moved F Davies and J Bell.

3. Confirmation of Minutes of the meeting held on 10 November 2016

RECOMMENDED that the minutes of the meeting be adopted.
Moved: F Davies and J Bell.

Declarations of Interest

Cllr McCormack declared an interest in the Crookwell High School application as member of the McCormack family works at the high school but he will stay in the meeting and vote.

Mr D Johnson declared an interest in the Crookwell Progress Association application as he is the Chairperson of the Crookwell Progress Association and will leave the meeting and not vote on this item.

4. Prioritisation of Project Submissions for 2017/18 – Funding \$74,332.00

Recommendation: That the projects listed below be awarded funds as follows with the balance of \$146.05 being carried over to the next round of funding.

PROJECT	AMOUNT \$
Kiamma Creek Landcare Group	\$16,065.95
Lions Club of Crookwell	\$10,000.00
Crookwell Progress Association	\$980.00
Grabben Gullen Hall	\$14,140.00
Bannister Hall	\$10,000.00
Crookwell Golf Club	\$23,000.00
TOTAL	\$74,185.95

Mr Johnson left the meeting as the Crookwell Progress Association application was discussed, the time being 2.20pm.

The time being 2.24pm Mr Johnson returned to the meeting.

Mr Bell left the meeting the time being 2.46pm.

Moved: F Davies and B McCormack.

Meeting closed the time being 2.55pm.

Report from the Mayor attending the Centroc Board Meeting 25 May 2017 Parliament House Sydney

I attended the Centroc Board meeting at Parliament House Sydney 25 May 2017. Meetings were also held the day before with several parties along with Centroc representatives.



Member for Bathurst, the Hon Paul Toole, Minister for Lands and Forestry and Minister for Racing and his office staff assisted with organising the meeting in Parliament House. The Board thanked Minister Toole for his support.

The Board were fortunate to have the Premier, Deputy Premier and the following Ministers address the Board. All Ministers expressed their appreciation for the region taking the time to come and meet with them in Sydney.

- The Hon Gladys Berejiklian - Premier
- The Hon. John Barilaro MP - Deputy Premier, Minister for Regional NSW, Skills and Small Business
- The Hon. Niall Blair MLC - Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry
- The Hon Melinda Pavey - Minister for Minister for Roads, Maritime and Freight
- Hon Andrew Constance MP - Minister for Transport and Infrastructure
- The Hon. Paul Toole MP - Minister for Lands and Forestry, and Minister for Racing
- The Hon. Anthony Roberts - Minister for Planning, Minister for Housing, and Special Minister of State
- The Hon. Gabrielle Upton, MP - Minister for the Environment, Minister for Local Government, and Minister for Heritage
- The Hon. Troy Grant, MP - Minister for Police, and Minister for Emergency Services
- The Hon. Adam Marshall MP - Minister for Tourism and Major Events, and

Assistant Minister for Skills

- Mrs Leslie Gladys Williams, BNurs, DipTeach MP
- Parliamentary Secretary for Regional and Rural Health
- The Hon Richard Colless Parliamentary Secretary for Western NSW and Natural Resources
- The Hon. Katrina Hodgkinson – Member for Cootamundra- Confirmed
- The Hon. Paul Toole – Member for Bathurst-
- The Hon Kevin Humphries – Member for Barwon

Follow up actions with Ministers will be undertaken and reported back to the Board.

Cr John Medcalf, Mayor of Lachlan Shire Council was elected as Chair of Centroc unopposed. He has been acting in this role since late February.

I provide the following report for Council's information, along with the meeting minutes.

Transport Infrastructure – Cr Ken Keith, Portfolio Mayor, updated the Board on the recent Strategic Roads Group meeting, which will now be called the Centroc Transport Group. The recent Federal Government announcement of Inland Rail is a great opportunity for this region and work will be undertaken to optimise outcomes for our communities leveraging this new transport link.

The issue of the Bells Line was raised with further advocacy to be undertaken.

Water Security -Cr D Somervaille, Portfolio Chair updated the Board on the advocacy currently taking place in the portfolio, including the Visit to the Region from the Chair of General Purpose Standing Committee No 5, the Hon Robert Brown for the Inquiry into the augmentation of water storages.

A meeting held with Minister Niall Blair the day before regarding the Lachlan Valley water security project- Phase 2 Progress and the lack of consulting and the NSW DPI water regulatory framework that has seen escalating costs for Councils as they attempt to resource navigating the increasing complexity of the compliance framework for Best Practice that is not called up under any legislation.

Health –A proforma report has been provided to Members involved in the Beyond the range program. The report recommended that it continue to engagement with the Beyond the Range social media Facebook posts, participate in a free social media workshop that will be arranged soon and provide feedback to Centroc on value of the program in February 2018.

A meeting with the Rural Doctor's Network is being co-ordinated, to discuss the progressing of a methodology on the economic and social impacts.

Newly announced Parliamentary Secretary for Regional and Rural Health, Mrs Leslie Williams, MP has been sent correspondence in the above regard. Follow up is underway.

The Murray Darling Medical School was not in the Federal Budget for next year. Further advocacy work at the request of Member for Calare, Mr Andrew Gee will be undertaken.

Regional Development – A submission was lodged to the operation, effectiveness, and consequences of the Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016.

The revised MOU between Centroc and RDACW the only one that exists in Australia was signed and witnessed by the Hon. John Barilaro, Deputy Premier, Minister for Regional NSW, Minister for Skills and Small Business.

Substantial work across the regional has been undertaken with the Review of the Regional Infrastructure, Co-ordinator Ken Gillespie and Executive Officer Don Murray.

Planning – the Chair and EO met with the Minister for Local Government on the 6th of April to seek progression of the Joint Organisations, from this meeting Centroc was asked to provide a brief on the JO reform to inform Ministerial deliberations. This was raised with the Minister for Local Government at the Board meeting, where the Minister committed to providing direction on Joint Organisations within a fortnight.

Cr Scott Ferguson, Mayor of Blayney raised the concern members have with being unfit due to scale and capacity as a legacy arrangement of the abandoned amalgamations. The Minister undertook to have this resolved soon.

Tourism – Advice from CNSWT, states it will wind up CNSWT and are seeking Centroc's support for the regional function.

The Centroc Board has agreed to support the function of Tourism in line with the report provided by Central NSW Tourism. A meeting of Tourism Managers is being arranged to give consideration to the next steps and Council will receive a report in due course.

Operational – Energy is being a focus in the Operational space lately particularly the electricity market, which was reported at the Energy meeting held 5 May that the current electricity market prices have increased by 200-300%.

Negotiations with the Southern NSW ROCS for the roll out of LED Streetlighting and smart controls still continue. A one page advocacy brief has been developed with a more developed business case to be circulated to members in due course.

The Institute of Sustainable futures has undertaken an analysis of Local trading options for Centroc Councils. Using Bathurst and Forbes as the examples. A final report will be presented soon.

Membership Fees and approval of the Centroc Budget – seven fee options were presented to the Board for the 2017/2018 membership fee structure. The Board resolved to adopt a business as usual model.

Financial – the anticipated loss for 30 June 2017 is \$29,369 against a budgeted loss of \$697. This is due to Mid Western Regional Council no longer being a member.



I think you would agree the visit to Parliament house and the engagement with State Ministers was very successful this year.

There is a lot of valuable regional collaborative activity going on and Centroc members should be congratulated for their ongoing ability to work together for better outcomes for the region.

I commend this report to you for noting.

Recommendation/s
That the Mayoral Report from the Centroc Board Meeting 25 May 2017 at Parliament House be noted.

Minutes of the Board Meeting 25 May 2017 held in the Macquarie Room at Parliament House Sydney.**Board Delegates in bold**

Cr G Hanger	Bathurst Regional Council	Cr K Sajowitz	Oberon Council
Mr D Sherley	Bathurst Regional Council	Mr G Wallace	Oberon Council
Cr S Ferguson	Blayney Shire Council	Cr J Davis	Orange City Council
Ms R Ryan	Blayney Shire Council	Mr G Styles	Orange City Council
Cr I Gosper	Cabonne Council	Cr K Keith	Parkes Shire Council
Cr K Walker	Cabonne Council	Mr K Boyd	Parkes Shire Council
Mr S Harding (Acting)	Cabonne Council	Cr J Stafford	Upper Lachlan Shire
Cr D Somervaille	Central Tablelands Water	Mr J Bell	Upper Lachlan Shire
Mr G Rhodes	Central Tablelands Water	Cr M Liebich	Weddin Shire Council
Cr B West	Cowra Council	Mr G Carroll	Weddin Shire Council
Mr P Devery	Cowra Council	Mr A Albury	Dept Premier & Cabinet
Cr G Miller	Forbes Shire Council	Mr A McCormack	RDACW
Mr D Green	Forbes Shire Council	Mr P Mc Millan	RDACW
Cr J Medcalf	Lachlan Shire Council	Ms J Bennett	Centroc
Mr R Hunt	Lachlan Shire Council	Ms M Macpherson	Centroc
Cr S Lesslie	Lithgow City Council	Ms C Griffin	Centroc
Mr A Muir (Acting)	Lithgow City Council	Ms V Page	Centroc

- 1 9:00am Welcome by Acting Chair **Cr J Medcalf** to the 5 Centroc Board meeting in Parliament House, Sydney.
- 2 **Cr Medcalf** stepped down for the election of the Centroc Chair.
- 3 Election of Casual Vacancy of Chair – Returning Officer **Mr Alan McCormack**
Mr McCormack advised that one nomination has been received and was in order.
Cr John Medcalf was elected unopposed as Chair of Central NSW Councils.

- 4 9.08am General Meeting of the Centroc Board officially opened

- 5 **Apologies**

Ms W Tuckerman, Mr A McMahon, Cr B McCormack

Resolved	Cr J Davis/Mr D Sherley
That the apologies for the Centroc Board meeting 25 May 2017 listed above be accepted.	

- 6 **Minutes**

- 6a **Noting of the Minutes of the GMAC Meeting 4 May 2017**

Resolved	Cr K Keith/Cr B West
That the Minutes of the Centroc GMAC Meeting 4 May 2017 held in Orange be noted.	

- 6b **Confirmation of the Minutes of the Board Meeting 23 February 2017**

Resolved	Mr D Sherley/Mr D Green
That the Minutes of the Centroc Board Meeting 23 February 2017 held in Forbes be confirmed.	

- 6c **Noting of the Centroc Executive meeting 4 May 2017 at Orange**

Resolved	Mr D Sherley/Cr G Miller
That the Minutes of the Centroc Executive meeting 4 May 2017 at Orange be noted.	

- 7a. **Business Arising from the Minutes – Matters in Progress**

Resolved**Mr G Styles/Mr D Sherley**

That the Board note the Matters in Progress, making deletions as suggested.

7b. Business Arising from the Minutes – Matters in Progress**Resolved****Cr K Keith/ Cr B West**

That the Board approve the Regional Priorities slide as provided in Matters in Progress.

8 Correspondence**8a Correspondence In****Resolved****Mr D Sherlay/ Cr D Somerville**

That the Board note the incoming correspondence.

8b Correspondence Out**Resolved****Mr K Boyd/Mr J Bell**

That the Board note the outgoing correspondence.

9 Reports**9a Transport Infrastructure including Bells Line of Road****Resolved****Cr K Keith/Cr J Davis**

That the Board note the Transport Infrastructure Report; and

1. Seek advice through the Strategic Regional Roads Group on incidents on the Great Western Highway and Bells Line of Road east of Lithgow;
2. Note the Executive is reviewing the Transport Advocacy;
3. Increase advocacy on the Bells Line; and
4. Change name of Centroc Strategic Regional Roads group to Centroc Strategic Regional Transport Group.

The meeting adjourned at 9:28 to hear from Ministers and ask them questions**9.28am - Mrs Leslie Williams, Parliamentary Secretary for Regional and Rural Health addressed the Board.****10.15am – The Hon Melinda Pavey, Minister for Roads, Maritime and Freight addressed the Board****10.35am Morning tea - Member for Bathurst Paul Toole joined the Board.****10.41am – The Hon Paul Toole, Minister for Lands and Forestry and Minister for Racing addressed the Board****10.13am – The Hon Niall Blair, Minister for Primary Industries, Minister for Regional Water and Minister for Trade and Industry addressed the Board****11.39am – The Hon Andrew Constance, Minister for Transport and Infrastructure addressed the Board****12.07pm – The Hon John Barilaro, Deputy Premier, Minister for Regional NSW, Minister for Skills and Small Business addressed the Board and signed the MOU between Centroc and RDACW as a witness.****12.32pm – The Hon Anthony Roberts, Minister for Planning, Minister for Housing and Special Minister of State addressed the Board.**

12.48pm –Premier Gladys Berejiklian – acknowledged the Centroc Board.

The Hon Katrina Hodgkinson Member for Cootamundra, entered room

The Hon Richard Colless, Parliamentary Secretary for Natural Resources and Western NSW,entered room

12.53pm – The Hon Gabrielle Upton, Minister for Local Government, Minister for the Environment and Minister for Heritage addressed the Board

The Hon Kevin Humphries, Member for Barwon, entered room

1.10pm – Lunch

Forbes delegates left at 1.15pm

2.00pm Meeting reconvened

Ian Scott NBN Community Account Manager updated the Board. Slides will be circulated.

9b Water Infrastructure Report

Resolved	Cr D Somervale/Mr G Styles
That the Board note the Water Infrastructure report and commend to the Board that:	
1. Correspondence is sent to Minister Blair seeking advice on the suggested approach to best practice requirements given the anticipated review of the Best Practice Framework, escalating costs and timing for the review of plans;	
2. It endorse a submission to the Independent Pricing and Regulatory Tribunal Review of the WaterNSW operating licences;	
3. Endorse a submission under the hand of the Acting Chair to the Productivity Commission Inquiry into the reform of Australia's water resources sector with particular reference to the urban water sector; and	
4. Approach the Hon Niall Blair in his capacity as Minister for Regional Water to seek his support to Pilot a project ground-truthing the proposed Health Based Targets for the Australian Drinking Water Guidelines.	

9c Health Report

Resolved	Cr J Medcalf/ Mr G Carroll
That the Board note the Health report	

9d Regional Development

Resolved	Cr B West/Mr G Styles
That the Board note the Regional Development report; and	
1. Encourage members to engage in the Infrastructure Prioritisation Matrix process;	
2. Receive a report on leveraging inland rail;	
3. Thank the Federal Government for supporting this initiative;	
4. Approve the provision of \$5000 cash a letter of support towards the proposed Central West Investor's Network Project and	
5. Commend to members a contribution in the order of \$1000 to \$3000 in accordance with the formula based proposal outlines in RDA Central West's approach to councils.	

Mr D Sherley recorded a declaration of interest in item 6d4 as he is a Board member of RDA Central West and did not vote.

The Chair welcomed an update from Chair of Mr Alan McCormack and Peter McMillan Executive Officer of RDACW

The Chair welcomed an update from Ashley Albury, Director of Greater Western NSW Regional Coordinator of DPC

9e Planning Report

Resolved

Cr J Davis/Mr K Boyd

That the Board note the Planning Report and endorse a submission to Planning Legislation developed in consultation with members.

9f Tourism Report

Resolved

Mr G Styles/Cr J Davis

That the Board

1. Thank CNSWT for their service to the region and recent report;
2. Support the adoption by Centroc of the function of regional tourism;
3. Accept in principle the advice provided subject to interim arrangements;
4. Accept the monies from CNSWT as it ceases to trade and continue to resource the tourism function using existing CNSWT resource until advice on integrating this function into Centroc can be provided;
5. Seek alignment with Country and Outback Destination Networks; and
6. A meeting of LTO staff be called as soon as practicable with a view to providing advice on a plan for integrating the tourism function for the region into Centroc.

Blayney delegates and Mr A McCormack left at 3.05pm

9g Operational Report

Resolved

Mr K Boyd/Mr R Hunt

That the Board note the Operational Report and seek a report on an in-house approach to Councillor Training.

9h Membership fees and approval of the Centroc Budget

Resolved

Mr D Sherley/Cr J Davis

That the Board

1. note minor changes to the Management Plan for 2017/2018 as approved at the Board meeting 23 February;
2. adopt the fees structure as outlined in Option 1 "Business as Usual" which uses the assumptions:
 - a. Previous Year + 1.5% increase
 - b. Previous MWRC fees split amongst current members
 - c. Membership & Administration - \$5,000 flat fee plus updated population split
 - d. Training - split on updated staff numbers
 - e. Hilltops amalgamation changes reflected in fees
 - f. Hilltops and Upper Lachlan as Operational Members at 85%
 - g. Otherwise all other calculations remain as currently applies
3. receive advice on the balance of options for fees; and
4. the budget for the financial year 2017/2018 be approved.

9i Financial report

Resolved

Mr D Sherley/Cr B West

That the Board note the Financial Report

10. Speakers to the next meeting

Board: Canberra Parliament House

GMAC:

- **NSW Data Analytics** - Dr Ian Oppermann CEO and Chief Data Scientist
- **ICAC** –Ms Yvonne Miles, Principal Officer, Corruption Prevention
- **EMS- (Energy Management Services)**, Mr Murray Halyburton, General Manager
- **General Financial Audit**, Mr Steven Martin, Assistant Auditor

11. Next Meetings

GMAC – 28 July – Orange

Executive – 28 July - Orange

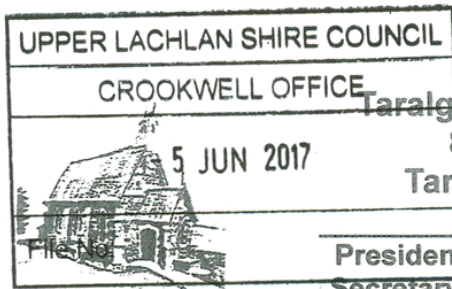
Board – TBA 9/10 August – Canberra Parliament House

The General Meeting of the Board closed at 3.18pm

3.30pm – The Hon Troy Grant, Minister for Police and Minister for Emergency Services addressed the Board.

4.00pm – The Hon Adam Marshall, Minister for Tourism and Major Events and Assistant Minister for Skills addressed the Board.

Page 5 is the last page of the Centroc Board Minutes 25 May 2017



Taralga Historical Society Inc
83 Orchard Street
Taralga NSW 2580



President: Michael Chalker 4843 5975
Secretary: Graham Lambert 4843 8187
Treasurer: Glennis Wright 4840 2215

Aim: To preserve history of Taralga & District for future generations

Newsletter No 2, 2017

Presidents Report:

Hello all, it has been a very sad time for the Society with the passing of three of our very special members Patricia Blay, Lorraine and Ian Ross. Our sincere condolences are respectively extended to Bob Blay, Malcolm Ross and their respective families, they will be sadly missed.

Visitation since the last newsletter has been relatively slow with only one coach, however a visit and appraisal of the village and its attractions by the Upper Lachlan Tourism marketing team should in due course help bolster numbers.

Society members assisted with the catering for the Australia Day Rodeo and Campdraft weekend, a big thank you to those volunteers, this effort resulted in the society receiving a donation of one thousand dollars from the Australia Day Committee who work so hard to put on a great show which benefits the entire community.

The Donation will go towards maintenance of the facility and the upgrading of interpretive materials..

The Society also supported the Taralga Show Society with a display of early Shows memorabilia which created much interest.

We have been talking about constructing an eighteen nineties style Schoolhouse to house the early history of that era ie. up until 1947. Thanks to Veolia Mulwaree Trust who have favourably supported our submission for funding, we are now able to move forward with the school project with the majority of the works to be completed by the end of June.

Our 4th of June meeting will discuss an opening date, invitations and associated activities.

Our application for funding from the Taralga windfarm to assist with the purchase of a suitable means of transportation to assist our elderly and disabled visitors to access the many and varied exhibits over the large and undulating site was unfortunately unsuccessful, however we have been invited to reapply in 2018.

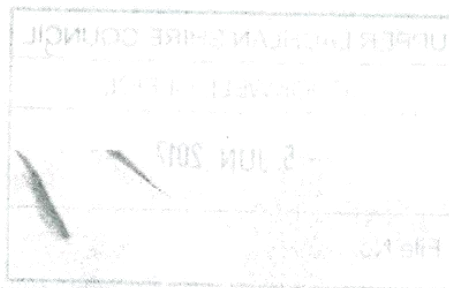
There is much to be done around the complex, Research, Maintenance i.e. cleaning, gardening, painting/staining etc. Everyone is welcome to partake.

Mick Chalker - President

Vale



Pat (Chapman) Blay
5.4.2017 aged 74 Years
Wife of Bob
Mother of:
Rodney(dec) Sean (dec)
Natalie, Trenton (dec), Brad



Edna (Offley) Knowlman
14.4.2017 aged 95 Years
Wife of John (dec)
Mother of:
Chris and Kerrie



"Bill" Walsh
18.5.1936 - 10.4.2017

Ted McPaul
16.4.2017 Aged 92 Years
Husband of Beth

Bessie James
29.4.2017- 95 Years
Wife of Charlie (dec)
Mother of:
Lyn Murphy, David (dec)
and Michael



Val (Willoughby) Elliott
18.4.2017 Aged 78 Years
Wife of Ray (dec)
Mother of:
Petrina, Alison, Leanne,
Phillip, Chris and Raelene



Lorraine (De Valder) Ross
20.4.2017 Aged 81 Years
Wife of Ian
Mother of:
Malcolm



Pat Blay was the second of three girls born to Aub Chapman of Chatsbury. Her sisters are Maureen who married Greg Gordon of Bannaby, and June who became Mrs Meckiff of Crookwell.

Editor

All who visited the Taralga Historical Society grounds over the last few years appreciated the magnificent display of roses in the Memorial Garden which were the result of the tender love and care given by Pat Blay to their needs. However, Pat's contribution amounted to so much more than that.

Pat served as President for 11 years from 1981 to 1992. During this time she was responsible for so much:- she compiled a book on the History of the Roman Catholic Church in 1983, and the following year wrote a book on the History of Myrtleville. Also, in 1984 she organised the placing of a time capsule in front of the museum church *celebrating the history of the St Joseph Nuns in Taralga*.

A grant was obtained for the repair and restoration of the bell tower on our Methodist Church. Another 1984 enterprise was the demolishing and removal of the Cordingly Cottage from Big Hill. This was a big project during 1987/1988 when it was rebuilt as a Centennial Project. To comply with Shire regulations, new timber had to be cut and carted from "Tallygang" Wombeyan Caves, and then there was the opening celebrations to organise.

Funding was made available in 1990 to build our first machinery shed where old items from the Aub Johns collection were housed. Around this time Pat organised for the birth place of our first white baby in the district, Thomas Taylor, to be marked at Tarlo River.

In 1994 Pat's efforts were recognised by the Royal Australian Historical Society with a Certificate of Achievement. Later Pat received a Life Membership from our own society.

Pat Blay's efforts and her expertise in catering, showed in her work and service as Catering Officer for our group for many years when many bus tours were catered for. She also acted as a guide when showing tourists around the town.

On our society bus trips away which she helped organise, Pat provided many thought-provoking quizzes to entertain our members.

In 2007, Pat collaborated with Pat Williamson to compile the book, "More About Myrtleville" which has since sold many copies.

With thanks to a Loyal Member

We will all miss your commitment, energy and on going achievements
Ken Fleming





Lorraine Ross was the only child of Reg and Ida De Valder. Her mother was Ida Halls from Bannaby and her father came from Sydney. She lived in Sydney for many years and then in Goulburn before returning to the Bannaby Post Office with her family.

She married Ian Ross in 1957, and they had one son Malcolm.

Lorraine and Ian were
Editor

inaugural members of the Taralga Historical Society.

History was a special part of Lorraine's life, even before she became a part of Taralga Historical Society. Both Lorraine and Ian joined the Goulburn Historical Society in 1965 and Lorraine was still a member right up until her death.

In 1972, 45 years ago, Lorraine was present at a special meeting which was held at the home of Mary and Kevin Mooney on Golspie Road regarding forming a historical society in Taralga as it was feared a lot of our history would be lost. It was decided to hold a display in the Masonic Hall to gauge the interest of forming a Society in Taralga. Lorraine and Ian offered to display some of their historical treasures of the Taralga area, with other interested people, like myself, adding to them. This went off so well that a special meeting was called to start the Taralga Historical Society. Ian was elected President and Marlene Huggart, Secretary. Soon we see Lorraine as our Secretary and meetings being held in her bookshop in Orchard Street.

Lorraine was appointed President in 1977. With a minute secretary she brought the Historical Society back to life and it went on to be the great organisation it is today.

She was involved in many aspects of the Society, being Archives Officer, and another term as Secretary during the busy period of the building of Cordingly Cottage, helping to set up displays and taking her turn to open the grounds at weekends, even after they moved to Goulburn.

Lorraine was proud to receive an award from the Royal Australian Historical Society in recognition of her commitment and service to Taralga Historical Society, and also received Life Membership from Taralga Historical Society.

A true and faithful member of our organisation

Lorraine, we will miss you.

Ken Fleming



Ian Ross died 19th May 2017, his funeral will be held on Friday 2nd June.



Valerie Therese Elliott was born on the 18th January 1939 in Crookwell to William and Sarah Willoughby. She was the baby sister of 14 brothers and sisters, and they lived at Carawar.

After her father died when Valerie was two, the family moved to Roslyn where she attended school.

When Sarah died in 1949 Valerie went to the Sacred Heart Convent in Taralga. After she finished school she went to Goulburn to live with her sister Dorothy, and worked for Bryan Keating's Dental Clinic.

She moved back to Taralga and worked at Goodhews Store, living with her sister Mavis and Bert Corby.

Valerie and Raymond Elliott married on the 12th April 1958 in Christ the King Church and have six children: Petrina, Alison, Leanne, Phil, Christopher and

Raelene. The growing family now includes 20 Grandchildren and 17 Great Grandchildren.

Written by her niece Annette (Willoughby) Chalker



Mrs Knowlman was born Edna Offley in Crookwell, the eldest of three daughters to Lauie and Vera Offley. She grew up on the family's property, "Hill Top" at Myrtleville, and attended the little school nearby.

Following her education she trained as a triple certificate nurse in Sydney and worked at several hospitals, including Crown Street and North Sydney before coming back to Goulburn as a staff sister. The young Edna was taken by John Knowlman when he came to the x-ray department one day after he injured himself in a cricket game.

It was the start of a happy and enduring relationship. The couple were married at Taralga's Saint Lukes Church in 1948, and later had two children Kerrie and Chris.

John had been working at the family business, established in 1888, and eventually became manager. John died in 1974, aged just fifty-four.

It was only at age 90 she stopped mowing her lawn and age 93 when she gave up driving.

Her sisters Doris (Mrs Archie Hoad) and Audrey (Mrs Fred Bell) predeceased her.

Article from The Goulburn Post

FATAL CRICKET GAME AT BANNABY

Evening Post 22.12.1978

The death of cricket umpire John Bogg from a cricket ball has inspired a centenary cricket match between the two teams on that day, Big Hill and Bannaby.

In December 1878, John Bogg was umpiring a cricket match between Big Hill and Bannaby at a cricket ground close to Arthursleigh at square leg when he was struck with a ball just below the ear and died.

From that point in time local umpiring was done from point not square leg.

Cricket was a regular sport at Bannaby up until the war when many of the young men left the district to go to the front.

There will be several Big Hill descendants of the fatal cricket match playing in the centenary match.

Both teams will autograph a cricket bat on Sunday to mark the centenary match at Bannaby.

Some of the families names who played in the early day include Whipp, Hillas, Handley, Menzies and a Gordon boy who later played grade cricket in Sydney.

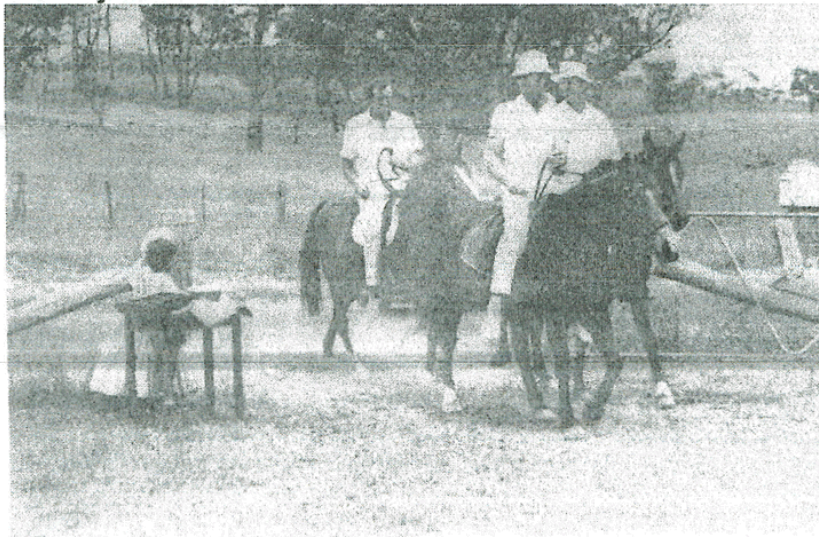
There were some great games played in the good old days, and in one of the Bannaby Big Hill encounters, a ball was hit into a very big gum tree and failed to come down.

The two batsmen became footsore running between wickets while a team of axemen set about to cut down the two metre thick tree.

One of Big Hill's opening batsmen this weekend Robert Stephenson claims this will not happen this Sunday because he is taking his chainsaw.

The Taralga Historical Society, along with representatives from Big Hill are staging the centenary cricket match at Bannaby on Sunday.

The centenary cricket match:



• Arriving at Bannaby for the centenary match are: Left, Mr Colin Kennedy, Allan Connor and Robert Stephenson.

Play began at midday when Big Hill representative, 89 year old Sid Bogg of Goulburn, winning the toss and elected to send the Bannaby team in to bat.

Noel and Glen Elliott opened the innings, and their partnership proceeded to add runs at a brisk rate, Noel playing some very fine shots particularly on the off.

The 87 runs from Jim Blissenden, retired not out, was highlighted by three sixes and 13 fours.

With storm clouds gathering. and time running short, Bannaby was all out for 245.

Big Hill took the crease with batsman K. Kell and I. Thompson showing they were far from concerned by their opposition, and had 39 runs on the board, when the first wicket fell.

I. Thompson went on to make 43 before returning to the sidelines.

Unfortunately rain made further play impossible, and Big Hill's score of 3 for 88, umpires John Stephenson and Judy Bell, declared play abandoned.

End result of the centenary cricket match was a draw.

A new cricket bat, autographed by players, umpires, score keepers was handed to Taralga Historical Society for display and safe keeping.

Announcer for the afternoon was Mr Keith Cole, while Mr Noel Clack from Sydney, and former Bannaby representative, acted as official scorer.

The last match played on this ground was in 1938 when Jack Whipp made 98 runs and Sunday's centenary game was the first since that time.



• Presentations of the autographed bat are, from left: Robert Stephenson (Big Hill), Greg (Bannaby), Ian Menzies (with bat) and Ian Ross (captain of the Bannaby side).

.A centenary cricket match at Bannaby On Sunday recalled a tragic accident when umpire John Bogg died after being struck by a ball.



Among those at the centenary match were descendants (from left) Mrs G.Bogg and her husband Sid, Mrs A Rossler (grand daughter), Mrs C. Bogg (grand daughter-in-law and five year old Tribly Rippon, great great grand daughter.

TARALGA BUTTER FACTORIES

As recorded in the 1970's

As many of the early written records are incomplete, much of the information collated by the Taralga Historical Society is from personal records compiled by verbal assistance from local families.

Factories were established at Myrtleville, Yalbraith, Richlands Estate and two at Taralga.

Taralga had its own butter factory in 1900 and the Taralga Dairy Co., became operational in 1893.

Myrtleville Butter Factory was a weatherboard building with an iron roof built around 1892.

A steam engine provided the power to drive the machinery and farmers who supplied milk were Barry, Blay, McAlister, Miskelly, Baxter, Little, Staunton, Chalker and others.

They received 5d. per gallon for whole milk and could have the skim milk if they wished.

During the drought of 1902, production lagged but the factory kept working and did not close until 1910.

During a violent storm, the building was destroyed and the steam engine and machinery was sold to a Goulburn buyer.

In addition to the five main butter factories operating in the area, there were at best two private concerns.

Captain Crury of Myrtleville has a steam engine to drive his equipment on the property now owned by Johns family, and another private butter factory was on Spicer's property at Bright Hill.

Mr Lachlan Ross (1892-1922) had an early cheese factory on his property "Rossville". and in July 1869, sold 800lbs of cheese through Commission Agent, C.H. Whitten of Sydney, and in 1906 was awarded a Certificate of Merit from the Royal Agricultural Society of NSW for Cheese.

Mr Thomas Howe was also an early cheese maker of the Taralga district, who came from Campbelltown and was one of the first cheese makers in this area

He received a grant of 600 acres dated September 6, 1828, and the area he selected was just north and joining Macarthur's "Richlands", on which it is reported that he resided and was making cheese near Burra Burra Lake.

The Richlands Estate Butter Factory was situated not far to the Northwest of Richlands homestead and it belonged to the Macarthur-Onslow family who paid their tenant farmers and others for milk they brought in.

Separated milk and butter flowed through a pipe to the pig paddock below the factory.

The factory was a weatherboard building of three floors.

One farmer who supplied milk was Mr. W Price Snr, who received 3d. per gallon for the whole milk.

After Richlands Estate was sub-divided and sold in 1910, the factory was no longer used, and during the Second World War it was destroyed by fire.

The Yalbraith Butter Factory was situated near Howlett's property and the cement floor still remains.

This factory was owned by surrounding farmers on a co-operative basis.

The Yalbraith Butter Factory closed down in about 1900 and the machinery was moved to the Richlands site.

Cheese was also made at the Yalbraith factory.

After various smaller factories closed down in the early 1900's, farmers had to take their cream to Goulburn.

In 1921, the Taralga Butter Factory was established as a co-operative by the dairy farmers of Taralga District.

Shareholders elected a board of directors, who appointed a manager Mr Premister, then Mr Faulkner and finally, Mr George Gerathy.

Other men who worked there were Joe Cooper (engineer), Carl Alders (accountant), Reg Fitzgibbon, Gordon Francis, Mr Wilkins and Mr Mick Fitzgibbon was the secretary.

About 1935, the co-operative bought another factory in Goulburn, but continued to operate at Taralga until 1949.



Taralga Butter Factory now owned by the family of the late Ken Mooney

EMPLOYEES OF TARALGA BUTTER FACTORY

Left to right

Back:

Jim Duncan,
George Gerathy
(Manager)
Carl Alders
(Accountant)
Paddy McAlister,
W.J. McPaul

Front:

Ross Keith, George Goodhew, Joe Francis, J.J. Walsh



WAR WAS PUT BEHIND HIM

Obituary

Goulburn Post circa 1982

A former prisoner-of-war, who devoted 31 years to the breeding of fat lambs and commercial cattle in the Taralga district, died recently aged 59.

Bill Sahaiewski, born on January 22, 1923 near Kiev in the Ukraine, was a man who possessed brilliant farming capabilities.

Knowing hardship since his early teens, Bill was forcibly brought from his homeland to Germany where he was interned in the country's labor camps.

The prisoners were shown no mercy by their overseers, and Bill considered himself fortunate when he was later assigned to the wharves at Hamburg.

Under Stalin's ruthless regime, Bill's parents and other members of his family, along with countless of thousands of his countrymen, died of starvation.

It was during his forced labor camp years, that Bill married and the couple later had a son. But the marriage failed due to the harsh conditions within the camp.

Divorce followed, and when the war was over, mother and son fled to Brazil.

Bill originally intended to go to Canada, but by some strange set of circumstances, he found himself on Australian soil.

Making his way from Sydney, Bill worked for a time at the Marulan lime quarries and later, a change in employment found him working for a fencing contractor.

Because of ill-treatment at this stage, Bill sought the solace and peace of mind he needed with the Emery family of "Glen William" at Taralga.

The family, comprising of Mrs Mary Emery, sons Bill and Jack and daughter Muriel, who had courageously carried on with the farm following the death of Mr Bill Emery Snr some years before, were attracted by the look of the young Bill Sahaiewski and opened their hearts and home to him.

Bill's life at "Glen William" had much to offer, but the burden of those war years had taken its toll.

For the past 23 years, Bill had been a member of Alcoholics Anonymous, and before the Taralga branch was established, travelled to Crookwell for the monthly therapy meetings.

It was a successful mission for Bill had abstained from his drink problem for many years prior to his death.

Bill, together with his "adopted family", particularly Bill Emery, built up a farming relationship which is well known throughout the district as an enterprising fat lamb and commercial cattle business.

Both men, backed by the family, took particular interest in supporting the local agricultural show and served the Taralga A.P. & H. Association in various capacities as valued and respected committeemen and exhibitors.

Show exhibits from the "Glen William" estate have won the champion steer

award for the past three years, as well as gaining recognition from the Australian Hereford Society for entries in the champion commercial cattle classes.

Fat lamb nominations have also scooped the pool on many occasions.

Bill Sahaiewski was a loyal worker, a wonderful friend and a person who had a great understanding of his work and its involvements.

He took pride in his accomplishments and assisted his neighbours whenever and however he could.

Since Bill Emery's death in 1978, Bill Sahaiewski continued to breed top quality stock which is in keeping with the traditions of "Glen William".

He is survived and remembered by the community of Taralga.

Internment took place at the Stonequarry cemetery where Bill Sahaiewski was buried next to his former friend and confidant, the late Bill Emery,



Bill Sahaiewski (right) and Bill Emery are pictured exhibiting some of their top quality fat lambs at a previous Taralga show

****MEMBERSHIPS OVERDUE******Active Members \$20, Associate Members \$25***Museum Duty*

June	4	Ken & Joyce Fleming, Judith Matthews, Robin Alders
June	11	Jeff & Judy Chalker, Brian Moloney, Peter Davies, Tim Dowsley
June	18	Maureen Long, Joan Scott, Bob Blay, Jim Dean
June	25	Mary Chalker, Matt & Vicki Chalker, Alan Robertson
July	2	Max & Glennis Wright, Sandra & Max Keith, Brian Kelly
July	9	Graham & Sue Lambert, Ernie Stephenson, Geoff Sieler
July	16	Maureen Long, Joan Scott, Pat Murray, Tim Dowsley
July	23	Jeff & Judy Chalker, Brian Corby, Andrew Moore
July	30	Bob Blay, Peter Davies, Brian Moloney, Nerida Croker
Aug	6	Ken & Joyce Fleming, Gill & Marion Pfitzner
Aug	13	Peter & Margaret McAlister, Ray Shiel, Marcus Harastein, Nicola Young
Aug	20	Maureen Long, Joan Scott, Graham & Sue Lambert
Aug	27	Mary Chalker, Brian Kelly, Alan Robertson, Jim Dean
Sept	3	Mick & Annette Chalker, Peter Davies, Tim Dowsley
Sept	10	Bob Blay, Pat Murray, Jeff & Judy Chalker

Folks, if your name hasn't appeared on the roster don't feel left out, you are always welcome, as there is always much to do. Just turn up and familiarise yourselves with the many and varied exhibits. Bring a broom rake or duster, you won't be left twiddling your thumbs!

Please let us know if you would prefer an alternative Sunday or are otherwise unavailable.

Mick Chalker PH: 4843 5975

Editor: Maureen Long

16 NOTICES OF MOTION

The following item is submitted for consideration -

16.1	Spring Fling	430
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Notices of Motion - 15 June 2017

ITEM 16.1 Spring Fling

I, Councillor Pam Kensit hereby give notice that at the next Ordinary Meeting of Council I will move the following motion:-

“That the Upper Lachlan Shire Council sponsor the ‘Spring Fling’ exhibition in conjunction with the Open Garden week end in November to the tune of \$500. This contribution would go towards the prize money for the ‘peoples choice award’, ‘unpackers award’. The Upper Lachlan logo would appear on the entry form.”

BACKGROUND

The ‘Spring Fling’ art exhibition will be run in conjunction with the ‘Open Garden’ weekend in November 2017.

GENERAL MANAGER’S COMMENT

With respect to art sponsorship, Council is a major sponsor of the “Art on the Range” exhibition in Crookwell which currently occurs every two years. Council’s sponsorship of \$1000.00 entitles Council to secure artwork up to the sponsorship amount of \$1000.00. The sponsorship amount is allocated in the Council Operational Plan within each two year timeframe.

Should Council decide to make a contribution to the ‘Spring Fling’ art exhibition it would need to resolve to do so accordingly.

ATTACHMENTS

Nil

17 QUESTIONS WITH NOTICE

The following items are submitted for consideration -

17.1	LEP	432
17.2	Business Plan	434

Questions With Notice - 15 June 2017

ITEM 17.1

LEP

AUTHOR

Councillor Ron Cummins

This project was discussed at the Council Workshop held on 25 October, 2016. At that workshop we were informed that a consultant was going to be engaged. In fact, in the minutes of the outcomes of that workshop it states that: - LEP Review – Director of Environmental Planning to organize consultants.

Councils 2017/2018 Budget has allocated \$120,000 for this review.

It is over 6 months since a decision was made by Council to appoint a consultant for this LEP Review.

Can Council be advised of the current progress of this important project?

RESPONSE

At the workshop held in October 2016, advice was provided as to the expectations of the review of the LEP, comments and directions were sought. During and since that time, Council has been involved in the creation of the Draft South East and Tablelands Regional Plan (Plan).

Council has been awaiting the release of the Plan as the actions contained in the final Plan will be implemented through a number of mechanisms including:

- Local planning directions under Section 117 of the Environmental Planning Act 1979, issued by the Minister for Planning;
- Whole of government policy alignment; and
- Regional collaboration across government, business, key stakeholders and the wider community, for specific projects and processes.

A Ministerial Direction will require Council to implement the directions and actions of the final Plan appropriate to our local area, in our Council Planning Strategies and Local Environmental Plans.

Reviews of, and amendments to these strategies and plans will need to be consistent with the policies and actions in the final Plan.

It would be ill considered for Council to make a revised LEP that may be made redundant soon afterwards as a result of inconsistent directions set by the Plan. To ensure that Council is utilising public funds in an appropriate manner, a consultant is yet to be engaged until such time as the final Plan is released detailing Council's required commitments.

This proposed time frame also fits within the 2017/2018 budget allocation.

Further, Council staff are trying to finalise a meeting date with representatives from the NSW Department of Planning to meet with Councillors to further elaborate on the

Questions With Notice**LEP** cont'd

Plan and discuss Council's LEP review proposal. Details regarding the meeting will be forwarded to Councillors as soon as they become available.

ATTACHMENTS

Nil

Questions With Notice - 15 June 2017

ITEM 17.2

Business Plan

AUTHOR

Councillor Pam Kensit

At the previous council meeting the GM mentioned that a business plan was being considered for both the Upper Lachlan Shire and the Goulburn Mulwaree Shire by Nigel McKinnon of New South Wales Trade & Development.

Can the GM please inform Council what exactly is the task of Nigel McKinnon and is the investigation going to be regional based or exclusive to the Upper Lachlan Shire Council area?

Additionally will Nigel McKinnon be giving the Councillors a presentation to inform and explain the particulars of this project?

General Managers' comments

In accordance with the advice provided to Council at the Council Meeting held on 18 May 2017 that a report would be placed before Council regarding this matter, please see General Managers' report item no. 12.7 within this business paper.

ATTACHMENTS

Nil

General Manager's Statement

Confidentiality

Councillors and staff are reminded of their obligations in respect to the need for confidentiality and not disclose or otherwise misuse the information which is about to be discussed, failure to do so could result in a reference to the Pecuniary Interest and Disciplinary Tribunal and/or result in a prosecution in accordance with Sec. 664 of the Act for which the maximum penalty is \$5,500.

CONFIDENTIAL SESSION

Section 10A(2) of the Local Government Act, 1993 provides that Council may, by resolution, close to the public so much of its meeting as comprises the receipt or discussion of matters as listed in that section, or for any matter that arises during the course of business during the meeting that should be treated as confidential in accordance with Section 10(2) of the Act.

Council's Agenda for this meeting contains reports that meet the criteria specified in Section 10A(2) of the Act. To consider these reports in confidential session, Council can adopt the following recommendation:

RECOMMENDATION

That, in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and the Press be excluded from the meeting to enable Council to determine Item 18.1 in confidential session for the reasons indicated:

Item 18.1 Disclosure of Pecuniary Interest Legal Advice

This report is considered to be confidential in accordance with Section 10A(2g) of the Local Government Act, 1993, as it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

18 CONFIDENTIAL SESSION

The following item is submitted for consideration -

18.1 Disclosure of Pecuniary Interest Legal Advice